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CIVIL AND POLITICAL RIGHTS, INCLUDING QUESTIONS OF: DISAPPEARANCES AND SUMMARY EXECUTIONS

Extrajudicial, summary or arbitrary executions

Report of the Special Rapporteur, Ms. Asma Jahangir, submitted pursuant to Commission on Human Rights resolution 1998/68

Addendum

Country situations

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Introduction

1. This addendum to the report on extrajudicial, summary, or arbitrary executions describes 62 country situations and gives an account of actions undertaken by the Special Rapporteur between 3 November 1998 and 15 November 1998. It also contains in summary form the replies received from Governments to her communications, as well as observations of the Special Rapporteur where appropriate.

2. Owing to restrictions on the length of documents, the Special Rapporteur was obliged to reduce considerably details of communications sent and received. As a result, requests from Governments to publish their replies in their totality could not be acceded to. For the same reason, responses from sources to requests of the Special Rapporteur, although of great importance to her work, are only reflected very briefly in the report.

3. In the report, the dates included in parentheses refer to the dates of Government replies and those of transmission of urgent appeals. The dates on which the Special Rapporteur transmitted allegations of violations of the right to life, that is 27 May 1998, 18 September 1998, 8 October 1998, and 23 October 1998, are not mentioned in the report.

I. COUNTRIES

Afghanistan

4. Communications continued to be received concerning trials resulting in the death penalty that lack the minimum safeguards established by international law. The Special Rapporteur was informed from various sources that in many cases, sitting judges lack sufficient legal training and decide cases within a matter of minutes. Furthermore, sources claimed that there are no provisions ensuring defendants the right to legal counsel and an appropriate judicial appeals process.

5. For an in-depth analysis of the human rights situation in the country, the Special Rapporteur refers to the report submitted by the Special Rapporteur on the situation of human rights in Afghanistan to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/40).

Communications sent

6. The Special Rapporteur sent an urgent appeal to the Taliban authorities regarding their takeover of Mazar-I-Sharif and the reported killings resulting thereafter. The appeal was on behalf of hundreds of civilians, mainly from the Hazara ethnic and religious minority, who were reportedly killed in their homes, streets, and detention camps. The communication also addressed the deaths of nine Iranian diplomats who were said to be killed in this military operation as well as the deaths of many Hazara prisoners who reportedly suffocated in metal containers during their transfer to a military base. The Special Rapporteur also pronounced her concern for the lives of Hazara Shias living in Bamyan, another area seized by the Taliban authorities on 13 September 1998 (18 September 1998).

Observations

7. The Special Rapporteur is dismayed by the reports received in November about the discovery of mass graves of Taliban fighters in northern Afghanistan. She is further alarmed by the fact that journalists and human rights defenders currently have very limited access to this country and that they are often subject to reprisals for their reporting. She feels that the silence produced by such a situation can only aggravate the impunity being practised by both sides of the current conflict in Afghanistan.

Albania

Requested visit

8. The Special Rapporteur transmitted to the Government of Albania a request for an invitation to visit the country so as to better assess the human rights situation and the allegations and reports that continue to be received. Although there were not any individual cases that the Special Rapporteur could act upon because of the insufficiency in information received, she remains concerned at the persistent allegations of extrajudicial, summary, or arbitrary executions (29 September 1998).

Observations

9. The Special Rapporteur would like to express her concern about the continued reports that she receives about the continued lawlessness and impunity in this country, which often lead to the violation of the right to life.

Algeria

10. During the period under review, the Special Rapporteur received several allegations of violations of the right to life in Algeria. Most worrying is the continued reports of massacres of unarmed civilians, including women and children. Although these were allegedly committed by insurgent groups, State security forces reportedly made no effort to stop or prevent their occurrence, even when these forces were said to have been in close proximity to the killings or had knowledge of the situation.

Communications sent

11. During the period under review the Special Rapporteur transmitted the following allegation of violations of the right to life to the Algerian Government regarding massacres of which sources claim the authorities were notified or were located in close proximity to where they were taking place, and which they failed to stop: the killing of at least 200 unidentified individuals allegedly killed by attackers in Benthala (Baraki) on the night of 22/23 September 1997; at least 60 unidentified persons reportedly killed by attackers in Sidi Youssef (Beni Messous) on the night of 5 September 1997; up to 300 people allegedly killed the night of 28 August 1997 in Sidi Rais; and the killings of 412 individuals on the night of 30 December 1997 in Relizane province.

Communications received from the Government

12. The Government sent the following communications to the Special Rapporteur:

(a) The Government replied to the allegations transmitted by the Special Rapporteur, asking for clarification in the case of the 15 persons reportedly taken from their homes in Ras-El-Oued on 21 July 1994 by military personnel and allegedly killed. The Government stated that hearings for this case were conducted at the Sétif tribunal on 17 June 1997, 22 July 1997, and 17 September 1997. Representatives of the individuals' families were present and several witnesses were heard. The Algerian authorities promised to keep the Special Rapporteur notified of any further developments in this case (18 December 1997);

(b) The Government also responded to the Special Rapporteur's joint request for a visit to Algeria with the Special Rapporteur on the question of torture, stating that owing to previous obligations, the visit would not be possible at the proposed time but that the Government would be willing to discuss such a visit in March 1998 (10 December 1997).

Follow-up

13. The Special Rapporteur remains interested in visiting Algeria, a proposal that was initiated by her predecessor, and hopes that the Algerian Government will be amenable to continuing dialogue with her about such a visit.

Observations

14. The Special Rapporteur thanks the Government for its cooperation with her mandate and its replies to her communications. Nevertheless, she remains preoccupied by the impunity with which paramilitary groups appear to act against civilians in the country and suggests that true freedom of the press and the ability of human rights groups to act freely in Algeria might alleviate some of these problems.

Armenia

15. Allegations have been received by the Special Rapporteur concerning law enforcement personnel who have used physical or other means of duress to obtain confessions in cases where the offence carries a possible death sentence. The Special Rapporteur was also informed that under Armenian Law, the death penalty can be applied for economic crimes.

Communications received from the Government

16. The Government replied to the follow-up inquiries of the Special Rapporteur concerning the case of Rudik Vardanian. The outcomes of the proceedings against the accused police officers were detailed in this communication. The Government informed the Special Rapporteur that two of the police officers, Samvel Jaghinyan and Arthur Atarbeekyan, were convicted on charges of abuse of power and discretion. The third police officer,

Rouber Antonyan, had been charged with the same offence and his case was still pending at the time of correspondence. The Government also mentioned that the charges of intentional homicide in aggravated circumstances were dropped because of lack of evidence (5 December 1997).

Observations

17. The Special Rapporteur welcomed the President's continued de facto moratorium on executions and parliament's intention to abolish the death penalty through the new Armenian Criminal Code. Both of these acts are viewed as representative of the country's commitment to abolition and the Special Rapporteur is pleased to see the policies of the Government in harmony with the international consensus favouring abolition.

Azerbaijan

Communications received from the Government

18. The Special Rapporteur received a communication, dated 20 February 1998, from the Government in reply to the allegations sent on behalf of Rovshan Djadavov, Shamardan Djafarov, and Aypara Aliev.

19. Concerning the case of Rovshan Djavadov, the Government described in detail the events leading up to his death including his attempted coup and takeover of the disbanded police unit base. The Government maintained that Mr. Djavadov was shot during a skirmish with government troops and died in an ambulance on the way to the hospital despite the efforts of doctors. An investigation was conducted into the claims that Mr. Djavadov was refused medical treatment which found the allegations to be unsubstantiated. The Government also refuted allegations that criminal charges had been filed against members of Mr. Djavadov's immediate family.

20. Concerning the death of Shamardan Djafarov, the Government insisted that he was wounded by law enforcement personnel during an attempted act of terrorism. It further stated that after undergoing emergency surgery, Mr. Djafarov was admitted to the infirmary with the authorization of his physicians. His condition began to deteriorate and he was transferred to the medical facility of the Ministry of Justice where he was placed in intensive care. It was in this intensive care unit and under the emergency care of doctors that Mr. Djafarov died. Furthermore, all criminal proceedings pending against, Mr. Djafarov had been dropped; it had been determined that the actions of the police officers involved in the shooting did not constitute a crime.

21. Concerning the death of Aypara Aliev, the Government explained that Mr. Aliev was indicted on suspicion of complicity in a crime and was detained. During his detention, the Government maintained that his health deteriorated for which he received medical treatment, despite which his condition worsened. He was then transferred to the medical facility of the Ministry of Justice. After being diagnosed with cirrhosis of the liver, Mr. Aliev remained in intensive care where he was treated by prominent medical specialists for three months. He nevertheless died. The Government refutes

allegations that Mr. Aliev died because of a lack of medical treatment. The Government further stated that neither Mr. Aliev's relatives nor his lawyer had filed any complaints regarding the forensic report or the investigation into the matter.

Observations

22. The Special Rapporteur thanks the Government for the numerous replies sent during the period under review. She also commends the Government for taking further measures to promote and protect the human rights of its citizens.

Bahamas

23. Two executions were carried out in the Bahamas during 1998. The executions of Trevor Fisher and Richard Woods marked the end of a two-year period in which no executions took place. These death sentences were among only two others that have been carried out in the past 14 years.

Communications sent

24. Two urgent appeals were sent on behalf of Trevor Fisher, who was sentenced to death for murder in 1994. The first was transmitted after the Special Rapporteur became aware that the execution was scheduled to take place despite his pending appeal with the Inter-American Commission on Human Rights (1 April 1998).

25. The second appeal was sent one day before Mr. Fisher's scheduled execution. At that time, the Inter-American Commission on Human Rights was still considering his petition. Despite the pending appeal and the requests of the Special Rapporteur, Trevor Fisher was executed on 15 October 1998 (14 October 1998).

Communications received from the Government

26. The Government replied to the urgent appeals sent by the Special Rapporteur on behalf of Trevor Fisher. The communication stated that Mr. Fisher had been afforded every procedural and substantive due process right as guaranteed under the Constitution and laws of the Bahamas. The Government also detailed the numerous appeals filed by Mr. Fisher and the subsequent dismissals he received from each judicial body. Concerning his pending petition with the Inter-American Commission on Human Rights, the Government explained that numerous requests to deal with the matter were made to the Commission. The Government pointed to the case of Earl Pratt and Another v. The Attorney General of Jamaica and maintained that only a reasonable period should be accorded to the Inter-American Commission to decide particular cases. The Government maintained that Trevor Fisher was afforded this and all other legal opportunities to air his grievances (17 June 1998).

Observations

27. The Special Rapporteur was concerned to see further executions taking place in the Bahamas during 1998. The Special Rapporteur remains concerned at the mandatory death sentences for murder convictions and sees this as contradictory to the international trend towards abolition of the death penalty.

Bahrain

28. The Special Rapporteur continued to receive reports of extrajudicial, summary or arbitrary executions resulting from the excessive use of force by the security forces. The majority of these allegations concerned instances of protest, demonstration and religious gatherings. Communications claiming that poor sanitation facilities and the denial of proper medical care within the prison system had led to deaths were also received during the period under review.

Communications sent

29. The Special Rapporteur transmitted allegations regarding violations to the right to life on behalf of the following three persons:

(a) Nooh Khalil Al-Nooh, reportedly arrested on 19 July 1998 in Manama. His body, allegedly bearing marks of torture, was delivered to his family by the Ministry of the Interior two days later;

(b) Abd Ali Jasim Isa Yousif, a prisoner who died on 8 August 1998 after reportedly contracting hepatitis while incarcerated and being denied adequate medical care during his imprisonment;

(c) Mohammed Al-Sayyah, who reportedly died on 30 September 1998 because of injuries inflicted by a member of the police force.

Communications received from the Government

30. The Government of Bahrain provided replies to several communications sent by the Special Rapporteur in 1997. Concerning the case of Bashir Abdulla Ahmed Fadhel, who was allegedly beaten to death by members of the security forces, the Government provided autopsy reports and a death certificate that identified the cause of death as an overdose of morphine (17 November 1997).

31. In its reply to the case of Abdul Zara Ebrahim Abdullah Ebrahim, who reportedly died from a severe beating inflicted by security forces, a death certificate explaining the cause of death as sickle-cell anaemia was provided (17 November 1997).

32. The Government also provided an autopsy report and death certificate for Ali Mirza Al Nakkas categorically refuting all allegations by the source. The information from the Government suggests that he died from a long asthma-related illness, was under close medical supervision, was allowed family visits, and was buried by his family the day after he died (17 November 1997).

33. The Special Rapporteur also received a report from the Government entitled "Bahrain's Commitment to the Cause of Human Rights". The report details the steps taken to ensure human rights for Bahraini citizenry as well as the alleged plot by foreign-backed terrorists to destabilize the country. The Government also sent a letter to the Special Rapporteur that described an attempt by an anti-governmental group to distribute false propaganda via a press report (5 May 1998).

Requested visit

34. In a letter dated 29 September 1998, the Special Rapporteur requested an invitation to visit the country in order to better evaluate the situation and make an independent assessment of the reports and allegations received. Such a visit would allow for the formulation of pertinent recommendations with the objective of strengthening the protection of the right to life, if appropriate.

Observations

35. The Special Rapporteur would like to thank the Government for its cooperation in sending detailed replies to the allegations. She would like to reiterate her interest in visiting the country and looks forward to cooperating with the Government in the future.

Belarus

36. According to information received by the Special Rapporteur, at least 55 prisoners are currently on death row in Belarus. Reports claim that at least 13 people have been sentenced to death in 1998 after all were convicted of premeditated murder. It has been asserted that in 1997, 30 executions were carried out and 55 death sentences were handed down. Furthermore, reports assert that all 38 people who were sentenced to death in 1996 were executed.

Bhutan

Communications sent

37. The Special Rapporteur submitted an individual allegation on 18 September 1998 on behalf of a man named Karma, who was arrested for his supposed anti-national sentiments. He was allegedly shot soon after by the arresting police officer in Mongar.

Communications received from the Government

38. The Government replied to the Special Rapporteur's inquiries into the case of Karma. In its communication, the Government explained the details leading up to the district administrator's accidental shooting of Karma. The Home Minister sent an investigation team from Royal Bhutan Police headquarters and from the Home Ministry to inquire into the case and question the witnesses. The team determined that the death was accidental and the case has now been forwarded to the Royal Court of Justice, High Court. Meanwhile, the district administrator has been relieved of his duties (28 October 1998).

Observations

39. The Special Rapporteur would like to thank the Government for its swift and thorough reply. She would also like to commend the Bhutanese authorities for implementing and following through with effective practices that prevent the violation of the right to life.

Brazil

40. The Special Rapporteur was informed that during the past two years, the average number of deaths resulting from police action has doubled. Sources attribute this to the reported policies of the state government such as rewarding police financially for shooting or wounding criminal suspects. The deaths have also been blamed on the Government's failure to deal with human rights violations. Furthermore, reports have continued to be received concerning the extrajudicial, summary or arbitrary execution of human rights defenders in the country, street children and persons held in detention.

Communications sent

41. The Special Rapporteur transmitted two urgent appeals to the Government on behalf of the following persons:

(a) Vagner Marcos da Silva, members of his family, and other witnesses who were planning to testify against the police from the Second Battalion for reportedly planting drug paraphernalia and a gun on Mr. da Silva after they had shot him twice. It was further claimed that Mr. da Silva was denied appropriate medical treatment in the prison hospital where he was detained (23 January 1998);

(b) Cecilia Coimbra and other members of the Grupo Tortura Nunca Mais (GTNM) who reportedly received numerous death threats and other forms of intimidation following their public statements about two generals who were said to have committed numerous human rights violations. These public denunciations followed the President's promotion of the two generals. The police reportedly refused to offer the members of GTNM protection (27 April 1998).

42. The Special Rapporteur also sent individual allegations to the Government regarding violations to the right to life on behalf of individuals. These included Francisco de Assis Araujo, a human rights activist for the indigenous population reportedly shot dead on 20 May 1998 because of his vocal defence of the land rights of native Xucuru, and Onalicio Araujo Barros and Valentin Serra, leaders of the Movement of Landless Rural Workers who were reportedly killed on 26 March 1998 during negotiations concerning the occupation of land by 500 families.

Communications received from the Government

43. The Government transmitted many replies to the Special Rapporteur's communications. In response to the urgent action sent on 27 April 1998 calling for the protection of Cecilia Coimbra and other members of the Grupo Tortura Nunca Mais, the Government explained that the Rio de Janeiro Secretary

for Public Security had determined that a stronger police presence was needed in the area near the GTNM office. Mrs. Coimbra was advised to report to the police all information relevant to the death threats. The Government stated that all relevant information pertaining to this matter would be submitted to the Special Rapporteur (23 July 1998).

44. In response to the allegations concerning the case of Vagner Marcos da Silva, the Government stated that he was one of the drug traffickers involved in an intense exchange of gunfire with the police and was injured at that time. Investigations into the matter by the Public Security Secretary and the Public Prosecution Service of the State of Rio de Janeiro disproved the claims of arbitrary action by the police and Mr. da Silva's innocence. The First Criminal Court indicted Mr. da Silva on charges of drug trafficking, criminal association and attempted homicide and his trial is now pending (12 October 1998).

45. Concerning the case of Onalicio Araujo Barros and Valentin Serra, the Government informed the Special Rapporteur that the Parauapebas city prosecutor had investigated the matter and indicted 25 individuals, including two police officers and two military policemen, on charges of qualified homicide. Furthermore, the Government stated that in the case of Francisco de Assis Araujo, the National Foundation for the Indians had appointed one of its technical experts to follow the investigation and hearing of witnesses. A lawyer nominated by the Foundation will closely follow the case as soon as the legal proceedings begin in the courts (12 October 1998).

Observations

46. The Special Rapporteur commends the Government's efforts to improve the human rights situation in the country through the establishment of the National Human Rights Programme and the National Human Rights Secretariat within the Ministry of Justice. She also appreciates the thorough and timely replies that have been received during the period under review. She calls on the Government to continue acting on its commitment to ensuring the human rights of its citizens by instituting the necessary structural reform within the governmental bodies that continue to allow impunity for violations. Such impunity remains the primary cause for the continued extrajudicial executions carried out by police personnel.

Bulgaria

Communications sent

47. The Special Rapporteur transmitted an allegation regarding the violation of the right to life on 27 May 1998 on behalf of Petar Robert Karandzha, who was shot and killed while attempting to escape from a detention facility. The actions taken by the police were reportedly disproportionate and unnecessary under the circumstances.

Communications received from the Government

48. The Government replied to the follow-up inquiries of the Special Rapporteur concerning the case of Kostadin Timchev. The reply explained that

the recent amendments to the Penal Code of Procedure gave the Regional Military Prosecutor's Office the responsibility of conducting investigations against police officers. The preliminary inquiry in the case had been completed, the defendants brought to court and the case is pending. Defendants Markov, Todorov, Stoytchev, Hristov and Dimitrovgrad had all been indicted under various charges in connection with the case (26 February 1998).

49. The Government also responded to the allegations sent on behalf of Petar Robert Karandzha. It stated that after Petar Robert Karandzha pushed the security guard and escaped from the building, the police officer followed him and repeatedly ordered him to stop. When these orders were not obeyed, the officer fired a warning shot into the air and warned that he was going to use his gun. The officer then fired two more warning shots into the air and when Petar Robert Karandzha failed to stop, the officer fired at him in accordance with article 80, paragraph 1, item 5, of the Act of the Ministry of Interior. Mr. Karandzha was immediately taken to an emergency medical institute but died despite the doctors' efforts. During the investigation into the matter, the officer was suspended from work and his gun was taken away. Investigations into the matter by the police and the Military Prosecutor's Office both found that no crime had been committed by the officer (30 October 1998).

Observations

50. The Government's prompt replies to the allegations were welcomed and viewed as indicative of its commitment to cooperate with the Special Rapporteur in carrying out her mandate.

Burundi

Communications sent

51. The Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on the situation of human rights in Burundi on behalf of Corneille Karikurubu, Liberat Ntandikiye, Jean Berchmans Ngendakimana, Joseph Nteziriba, Jackson Hatungimana, Avite Minani, Alphonse Nsabimana, Placide Uwimana, Jean Bosco Ndikumana, Karuyi Province, and Anaclet Mukanara, allegedly sentenced to the death penalty by the Court of Cassation for having participated in the massacres of Tutsis that took place after the assassination of Mr. Melchior Ndadaye. It is reported that the trials of these individuals did not meet the international standards for fair trials. Also addressed in this communication was the case of Mr. Gaetan Bwanpaye, allegedly sentenced to death without the benefit of a lawyer for his trial, nor the ability to postpone the trial until one could be obtained. In addition, it is reported that the subject's witnesses were intimidated and his house was ransacked (23 December 1997).

Observations

52. The Special Rapporteur regrets that no replies to communications to the Government of Burundi have been received for several years.

China

53. It has been brought to the attention of the Special Rapporteur that during the 1990s, reported executions in China outnumber the aggregate total of reported executions from the rest of the world combined. More than 3,152 people were allegedly sentenced to death in 1997 with 1,876 people reportedly being executed. While this number represents a decrease from 1996, it is consistent with the figures for the previous three years.

54. The Special Rapporteur continued to receive reports in which the death penalty was handed down for non-violent crimes such as fraud, forgery, and drug-related and economic-related offences. According to the information received, 662 persons reportedly received death penalty and 437 executions for drug-related crimes were carried out. Information continues to be received concerning trials resulting in the death penalty that do not meet international standards and safeguards. This includes reports that executions have been carried out within one week of arrest.

Communications sent

55. The Special Rapporteur transmitted allegations regarding violations to the right to life on behalf of a Tibetan monk named Yeshe Samten, who allegedly died on 12 May 1998 as a result of torture inflicted upon him by prison officials at Trisam prison. He was reportedly arrested for protesting a governmental ban on the display of pictures of the Dalai Lama.

Communications received from the Government

56. In a communication dated 21 January 1998, the Government of China responded to numerous inquiries into individual allegations sent by the Special Rapporteur on 1 September 1996. These included the following:

(a) Regarding the case of Sangye Tenphel, a 19-year-old monk who allegedly died as a result of beatings by prison guards, the Government asserted that tubercular meningitis was the cause of death, despite the efforts of hospital personnel;

(b) Concerning the case of Tian Zhijia, Tian Zhiquan, and Zhao Lian, three men executed for allegedly robbing a van full of banknotes, the Government confirmed the arrests and convictions and quoted article 150, paragraph 2, of the Penal Code as the appropriate legal remedy;

(c) In the case of Bulu Xuao, Ulu Xian, Cao Jian, and Yan Jiao, four men accused and convicted of killing rare animals under the protection of the Government and smuggling ivory, the Government confirmed the convictions and death sentences that were issued by the Xishuangbanna Autonomous Prefecture People's Court;

(d) Regarding the case of Kelsang Thutop, a Tibetan monk who was alleged to have died in Drapchi prison as a result of malnutrition and inadequate medical treatment, the Government confirmed reports that he was

arrested for fomenting separatism, illicit border crossing and espionage. While serving out his 18-year sentence, he died after contracting cerebral tuberculosis and efforts by the hospital to save him were unsuccessful;

(e) The Government refuted allegations sent concerning 270 drug offenders who were reportedly executed on 30 June 1995 after a mass sentencing rally in Urumqi city. According to sources, Li Buchao, Li Puhai, Si Junchao, Feng Zhihe, Ma Zhiren, Luo Chengcai, Li Zhidong, Yang Wenun, Ma Zhengfu, Jin Baoyu, Song Wen were all executed with 259 other unidentified convicted drug offenders. The Government admitted that Li Bochao, Li Puhai, Si Junchao, Ma Zhiren and Feng Zhihe were executed on 30 June 1995 after being convicted of drug peddling. Their cases had been heard by the court in accordance with the procedures laid down in the Code of Criminal Procedure. No others were executed at that time, but 23 judgements concerning individual drug peddlers were pronounced on 30 June 1995 by the court in a total of eight cases. Four of these resulted in death sentences handed down to Luo Chengcai, Yang Wenun, Li Zhidong, and Ma Zhengfu. Death sentences with a two-year stay of execution were given to Song Wen and Jin Baoyu. The remaining 17 defendants were given sentences ranging from six years to life imprisonment;

(f) The Government also provided a reply to the case of Lin Huixiong, Lin Yiukuan, Qui Guibiao, Lin Yi, Mo Quianguang, Mo Qianzuo, all convicted of speculation and profiteering under articles 118 and 134 of the Penal Code. It was confirmed that all six were given the death penalty. In the case of Huang Quiangqiu, he was convicted of taking bribes and the death sentence was also handed down in his case;

(g) he Government further refuted allegations in the case of Wang Jianye. According to sources, he was charged with taking advantage of his post and accepting bribes, at which point he fled to Thailand. His extradition was reportedly preceded by a promise from Chinese officials that, if convicted, he would not be given the death penalty. Confirming that Wang Jianye was prosecuted and given the death penalty for accepting bribes, embezzlement, corruption, bigamy and illegally crossing the border, the Government denied that promises had been made in exchange for his extradition (21 January 1998).

Observations

57. The Special Rapporteur would like to thank the Government for its prompt and thorough replies. The Special Rapporteur welcomes the efforts by China to improve on its human rights record and meet the standards established by international law by signing the International Covenant on Civil and Political Rights and revising the Criminal Procedure Law in 1997. The Special Rapporteur was also pleased to note that the revisions to the Criminal Code will serve to better protect the rights of defendants in criminal cases. However, the Special Rapporteur continues to be concerned at the great extent to which the country applies the death penalty and regrets that the revisions to the Criminal Procedure Code fail to decrease the number of capital offences.

Colombia

58. The Special Rapporteur continued to receive great numbers of allegations of the violation of the right to life during the period under review in Colombia. The majority of these allegations regarded human rights violations by paramilitary groups, indicating that despite the stated intentions of the Government, the situation has not changed significantly since the last report. Reports continue to claim that civilian populations are those most targeted by both sides of the ongoing civil conflict.

Communications sent

59. The Special Rapporteur transmitted eight urgent appeals to the Government of Colombia, requesting it to take the necessary measures to protect the physical integrity and right to life of the following persons, who had received death threats from members of the security forces and paramilitary groups except where indicated to the contrary:

(a) Human rights activists:

(i) On behalf of all human rights activists in the country, following the alleged murder of Dr. Eduardo Umana Mendoza, a well-known human rights lawyer. He was reportedly killed in Bogota on 18 April 1998 by two unidentified men and a woman, supposedly connected to paramilitary groups (23 April 1998);

(ii) María Eugenia Cardenas, her family, and other members of the Asociacion de Familiares de Detenidos y Desaparecidos (ASFADDES) in the department of Caldas, after the alleged killing of José María Cardenas. He was the cousin of María Eugenia Cardenas and was reportedly killed on 3 December 1997 in the town of Riosucio by two armed men in military uniforms. Souces assert that in the past, members of the Cardenas family had been the victims of human rights violations, a fact which appears to be linked to Mrs. Cardenas's position as the director of ASFADDES in Riosucio (10 December 1997);

(b) Indigenous populations: Florentino Domico, Teofan Domico, Delio Domico Jarupia, Luis Carlos Domico, and Juan de Dios Domico Jarupia, indigenous community leaders in the area of Kiraparado, Rio Sinu, Resguardo Karagabi. Allegedly, paramilitary troops entered the town looking for these individuals and threatened to kill them after reportedly killing another community leader, Alonso Domico Jarupia (16 September 1998);

(c) Peasants:

(i) A group of 70 displaced families, now residing in Rancho La Miel, Tolima department, and supposedly threatened with an attack by members of the paramilitary for allegedly cooperating with guerilla groups operating in the area. Sources assert that these families were forced to vacate

their residences in Rancho Bellacruz, Cesar department, in 1996 following threats by paramilitary groups. The Special Rapporteur was also concerned for the safety of local human rights organizations working with these families (25 May 1998);

(ii) The residents of Paratebueno, Medina municipality, department of Cundinamarca, who reportedly received threats of an attack by members of the paramilitary group known as Autodefensas Unidas de Colombia (AUC) (19 May 1998);

(iii) Jesús Emilio Tuberquía, Emilio Antonio Tuberquía (aged 16), Jesús Arnulfo Tuberquía (aged 14), Joaquín Graciano, as well as residents of the community of San José de Apartado, Apartado municipality, Antioquia department, who allegedly were threatened with death by heavily armed men, dressed in paramilitary uniform, for supposedly aiding guerilla groups operating in the area. According to sources, 30 members of this community have been killed by members of the paramilitary since March 1997 (25 February 1998);

(d) Witnesses:

(i) Carlos Vera Correa, Marleny Taborda, and Arcadyo Ferney Bolívar, as well as residents of the city of Carmen de Atrato, Choco department, who reportedly received death threats after witnessing the killings of fellow-residents Ruben Dario Maya, Jhon Fredy Álvarez Valderrama, Jaime Ramírez Palacio, and Gildardo Taborda, all killed in December 1997 and January 1998 by members of the paramilitary. Allegedly, the residents of Carmen de Atrato were told by paramilitary personnel that they were preparing 70 new graves in the local cemetery because they were getting ready to carry out a "social cleansing" operation in the area. Additionally, it was reported that several residents were told they would be killed if they did not leave the area (26 January 1998);

(ii) Alfonso Mora León, Dolores Moncaleano de Mora, and Clara Ines Gómez, allegedly threatened with death after the start of criminal investigations into the deaths of their children, who supposedly died at the hands of police officials after being detained and tortured in Bogota in 1996. Sources reported that Alfonso Mora León and Dolores Moncaleano de Mora were originally receiving protection from the witness protection programme, but later had to leave Bogota in 1997 after being told that they would be killed if they testified against the parties charged with these killings (29 September 1998).

60. The Special Rapporteur also transmitted to the Government complaints about violations of the right to life of the following persons:

(a) Killed by paramilitary groups:

(i) Minors: Alfa Delia Higuita Tuberquía, 14 years old, and Luz Helena Valle Ortiz, 17 years old, killed on 7 June 1997 near Vereda Arenas Altas, San José Apartado, while travelling home. Both girls are said to have been shot after being led to a secluded area of the woods; it was later said they were guerrilla fighters killed in combat. Alfa Delia Higuita Tuberquía was three months pregnant. In a separate incident, Angie Carolina (age 5) was reportedly killed on 4 May 1998 during an attack on Puerto Alvira, Mapiripán;

(ii) Human rights defenders: Luis Alberto Munera, Carlos Rojo Uribe, Rosa Mejía, Ofelia Rivera, Jairo Pérez, and Alberto Silva, reportedly killed on 1 August 1997 in Remedios along with two other unidentified individuals. Five of these individuals were supposedly shot while Luis Alberto Munera, a member of the North-East Antioquia Committee for Human Rights, and Carlos Rojo Uribe, former mayor of Remedios, were taken to the outskirts of Marmajito district, Segovia municipality, where they were tortured and killed;

(iii) Community leaders: Joaquin Correa, Hernando de Jesús Arenas and Baudilio Vélez reportedly killed on 17 August 1997 in Granja Villa Rocio; Rosmira Gallego, teacher and member of the teachers' association of Antioquia, along with four other unidentified individuals on 23 March 1998 in El Jordan, San Carlos; Carlos Enrique Castañeda, President of the Community Action Group of the Santa Marta neighbourhood and President of the National Association of Small Businessmen, killed 31 March 1997 near Segovia after allegedly having his life threatened; Leonardo Tibaquíra, 18 years old, supervisor of the Inai-Sue Cooperative in Tenjo, Cundinarmarca department, killed on 15 November 1997 during a reported attack on the cooperative during which all of the members of the cooperative were ordered to abandon their homes;

(iv) Others: Hernán Fabián Cúellar, Jorge Súarez, Alejandro Sánez, Carlos Bernal, Pedro Julio Rico, Wilson Bernal, and Jorge Peladura, reportedly killed along with 10 unidentified individuals in Puerto Alvira, Mapiripán, during an attack on their village; Frieleth Varón, a nurse, allegedly killed on 3 May 1998 in Dagua, Valle, by abductors who supposedly asked her to come and take care of a sick person; Gilberto Ramírez Giraldo and Miguel Ramírez Giraldo, reportedly killed on 10 April 1997 in Altas Arenas, Apartado; José Antonio Graciano and Jairo Graciano, allegedly killed on 13 April 1997 in Apartado after being abducted from the bus station and tortured; Ruben Dario Maya, reportedly killed on

5 December 1997, Jhon Fredy Álvarez Valderrama, allegedly killed on 30 December 1997, Jaime Ramírez Palacio, reportedly killed on 1 January 1998, and Gildardo Taborda, allegedly killed on 3 January 1998 in the town of Carmen de Atrato, Choco; Edilberto Areiza, Ricaurte Monroy, Luis Albeiro Avendano, Ananias Guisao, Florentino Guisao, Milton David, Ángel Montoya, Oscar Valderrama, Alfonso Valderrama, and Herminio Palomeque Mosquera, reportedly killed between 22 November and 1 December 1997 in Dabeiba; Casimiro Soto Ardila and Amoar Bello Martínez, allegedly killed 2 March 1998 in Pueblito Mejía;

(b) Killed by members of the military:

(i) Minors: Diomar Ortiz, 16 years old, reportedly killed on 11 November 1997 near Pávez. Sources say his body was later presented as that of a guerrilla fighter killed in combat;

(ii) Indigenous peoples: Bernabela Riondo Pachecho and Santiago Palo, members of the Zenu community of Bajo Grande in San Andrés de Sotavento, reportedly killed after being abducted on 2 November 1997. Their bodies were later found in the indigenous community of Achiote, Sanpues municipality, Córdoba;

(iii) Others: José del Rosario and José Salvador Ortiz, reportedly killed on 11 November 1997 near Pávez; Rodrigo Castro Murillo, reportedly killed on 28 October 1997 near Confinas; Gilma Rosa Duarte, Juan Canas, and Clara, allegedly killed on 17 June 1997 in Los Mandarinos, Riogrande; Dario Góez, reportedly killed on 9 May 1998 in Arenas Altas;

(c) Killed by unknown armed groups:

(i) Human rights defender: Jesús María Valle Jaramillo, President of the Antioquia Permanent Committee for the Protection of Human Rights, reportedly killed on 27 February 1998 in Medellín when four men entered his office and shot him. Sources asserted that he had previously been threatened with death for his human rights activities, particularly the denunciation of massacres committed by members of the paramilitary;

(ii) Politician: Hugo Luis Salcedo García, mayoral candidate in Ovejas, reportedly killed on 31 August 1997 on his way home from a political function in Almagra.

Communications received from the Government

61. During the period under review, the Special Rapporteur received numerous communications from the Colombian Government regarding previous communications sent (1 and 29 October 1997; 4, 5 and 18 November 1997; 30 January 1998;

10 and 23 February 1998; 19 and 27 March 1998; 16 and 21 April 1998; 8 and 19 May 1998; 3, 9 and 16 June 1998; 7 and 14 July 1998; 5 August 1998; and 16 September 1998). These are summarized below:

(a) The Colombian Government informed the Special Rapporteur about the investigations launched and the judicial proceedings conducted in connection with the following cases and urgent appeals transmitted by the Special Rapporteur: Heli Gómez Osorio; Wilson Patino Agudelo; Doris Torres, Álvaro Pérez, José Esteban Domínguez, Ender Domínguez and Nicolas Arrieta; Juan Carlos Herrera Pregonero, Fabian Mauricio Gómez and Andres David Escobar; José Estanislao Amaya Paez; José David; Elias Zapata, Eliodoro Zapata, Alberto Valle, Félix Antonio Valle and Carlos Torres; Cipriano García; César Tulio Díaz Blanquicet, Jorge Caceres Villegas and Daniel Hoyos; Ruben Antonio Villa, Antonio Villa, Miguel Haya (or Miguel Layos Castañeda) and Guillermo Serna; Wilson Simanca Acosta, Jairo Jaramillo Zapata, Robinson Acevedo Chamorro and Wilson García Carrascal; Leonardo Panesso and Bernardo Panesso; César Pérez; Narzareno de Jesús Rivera; Alfonso Callejas Robles; Vladimir Zambrano Pinzón, Jenner Alfonso Mora Moncaleano, Juan Carlos Palacios Gómez and Arquimedes Moreno Moreno; Jorge Conde; Fidel Suescún, José Pitalua, Perica and Ediberto Jiménez; Medardo Ducuara Leyton; Carlos Andrés Gutiérrez, Guillermo Taborda, Mauricio Valencia Acevedo, Salvador Hernández Holguín, Ricardo Arredondo Montoya, Carlos Alberto Osorio Valdez, Jesús Daniel Querubín, Baltazar Muñóz Restrepo, Reynal Antonio Galeano Velásquez and Giraldo Olarte; Belén Torres and Raul Emilio Ramos; Jorge Eliecer Marín Trujillo; Enrique Bendía and Ricardo González; Ronald Valencia, Sinia Blanco, Francisco Catumare, José Ronald Valencia, Hernán Gallego, Omar Patino Vaca and Eliecer Martínez Vaca; Alfonso Manuel Mendozy Barrios; Diego León Yarce, Martha Vélez and Suhey Montoya; Juan Coronel; Johnt de Jesús Bayona; Jairo Beller Buitrago and Abimelet Parra; Samuel Berreto Rocha, Israel Herrera Diaz, Jorge Herrera Romero, and Jorge Barreto Herrera; Dario Covas Contreras, Diomedes Zapata, Rebeca Villareal and Baldomero Vergara; Laurentino Avendano and Ferney Delgado; Reinal Valencia and Gelmer Porras; Antonio Angarita and Carmen Ángel Clavijo; Everto Antonio Herrera and Juan López; Gilberto José Márquez Murillo and Argemiro Manuel Padilla Benítez; Luis Enrique Salgado, Emiro Tovar, Everto Tovar, Ovidio Castillo, Daniel Salgado, Feder Rivera and Denny Ruiz; Jesús Eudoro Orjuela Trujillo; José María Cardenas; Alfonso Bonilla; Gilberto Arvelaez Jiménez; Fray Jesús Martiney, Fray Bernardo Villegas and Fray Diego Fernando García; Argemiro Padilla Banirey and Gilberto Marqiey Murillo; Javier Alberto Barriga Vergel; Ramón Villegas and Luis Alfonso Ascanio; Bertina Calderon, Domingo Tovar Arrieta, Daniel Rico, Luis Eduardo Galindo, Sady Manosalva, César Martínez, Luis Fernando Escobar, Germán Roncancio and Aida Abella; Hernando Cuadros, Dario Lotero, Luis Hernández and Sánchez; Guillardo Franco; Eduardo Umana Mendoza and Jesús María Valle Jaramillo; Carlos Mario Calderón, Elsa Constanza Alvarado and Carlos Alvarado Pantoja; Jaime Laguna and Edinson Donado; Nelson Fernando Lombana; José Miller Chacón, Henry Millán and Manuel Cepeda Vargas; Frieleht Varón; Hernán Fabian Cúellar, Jorge Suarez, Alejandro Sanez, Carlos Bernal, Pedro Julio Rico, Wilson Bernal, Jorge Peladura and Angie Carolina; Miguel Ramírez Giraldo; José Antonio Graciano and Jairo Graciano; Ruben Dario Maya, Jhon Fredy Álvarez Valderrama, Jaime Ramírez Palacio and Gildardo Taborda; the population of Paratebueno; Hugo Roberto Martínez Díaz, Salvador León Amaya and Pablo Emilio Pena Amaya; Manuel Herrera Sierra; Bernabela Pacheco and Santiago Polo Guevara;

Luis Alberto Munera, Carlos Rojo Uribe, Rosa Mejía, Ofelia Rivera, Jairo de Jesús Pérez and Alberto Silva; Rodrigo Castro Murillo; and Carlos Enrique Castañeda;

(b) In a document entitled "Políticas Generales del Gobierno de Colombia en Materia de Lucha Contra los Grupos de 'Justicia Privada' y Atención a Desplazados por la Violencia", the Government affirmed its commitment to end the violence, human rights violations and impunity enjoyed by "private justice" groups, also known as paramilitary forces, as well as its intention to aid its displaced populations. The document states that while the paramilitary groups have brought some order to Colombia, their existence and methods are not approved by the Government. Some of the initiatives taken which reflect this position are: the creation in 1994 of a National Board for Human Rights, partially with the aim of acting as a judicial instrument against "paramilitarism", the offering of an award for the capture of Carlos Castano, head of the paramilitary group known as the Peasants' Self-Defence Group of Córdoba and Urabá, and the appointment by the President of two experts to make contact with these groups and consult with them on a possible peace process. The Government further asserts that it has taken steps to curb human rights violations in Colombia through its recognition of the problem of the internal displacement of large numbers of its own population, owing to guerrilla, paramilitary and military conflict. The majority of the displaced persons are women and under the age of 25. The Government cites several existing programmes to aid these people achieve voluntary return, and recognizes that these groups are especially vulnerable to human rights violations (4 November 1997);

(c) Regarding the case transmitted by the Special Rapporteur in 1996 and 1997 of the families of Rancho Bellacruz, Cesar department, who were attacked by paramilitary groups and forced to relocate, the Colombian Government sent two communications detailing the governmental aid and State protection which those families have been receiving under the supervision of the National Board for Human Rights. The communication stated that although many of the families remain in temporary facilities, under police and military protection, it is the Government's goal to resettle them voluntarily in their home area soon (21 April 1998 and 9 June 1998);

(d) In response to suggestions made by the Special Rapporteurs on extrajudicial, summary or arbitrary executions and the question of torture during their 1994 visit, the Government submitted a document in which they detail the steps that it is taking to ensure an independent judiciary; exclude military courts from the jurisdiction of the offences of enforced disappearances, torture or executions; curb impunity; discourage the existence of paramilitary groups; and protect the rights of particularly vulnerable groups. The groups which the Government highlights in its report are human rights defenders, women, minors, Afro-Colombian and indigenous populations, and displaced persons. The document additionally addresses the problems of protection for former partisans who have laid down their arms and witnesses, especially in cases brought against drug traffickers and the military. The issue of "social cleansing" is also addressed in the context of how this practice affects street children (3 June 1998).

Observations

62. The Special Rapporteur is grateful to the Government of Colombia for its numerous replies to her communications and regrets that a lack of resources makes thorough follow-up to all of the communications impossible. It is dismaying for the Special Rapporteur to note the extent of impunity enjoyed by military and paramilitary groups in the country. Drug-trafficking groups also add significantly to a culture of violence and impunity. The military court system, as well as the ongoing practice of using anonymous witnesses, only exacerbates these problems. The special vulnerability of human rights defenders in the country is alarming, as are the situations concerning internally displaced populations and indigenous groups.

63. Nevertheless, it is clear that the Colombian Government is demonstrating a will to cooperate with her mandate, despite the domestic difficulties it faces. This cooperation is signalled by the United Nations presence in the country, Colombia's replies to allegations, and the visit of the High Commissioner for Human Rights in October of 1998. In this spirit of cooperation, the Special Rapporteur urges the Government of Colombia to formulate a cohesive human rights policy and support system, with an eye to ending the impunity currently enjoyed by military and paramilitary groups. She further encourages peace talks between all factions in the current conflict in the country and urges that these parties have a voice in developing the human rights policy.

Costa Rica

Communications sent

64. The Special Rapporteur transmitted one urgent appeal jointly with the Special Rapporteur on the independence of judges and lawyers to the Government of Costa Rica.

65. On behalf of Delia Revoredo, a judge and member of the Constitutional Court of Peru, her husband, Jaime Mur, and their children, allegedly threatened with death after Mrs. Revoredo had ruled that it would be unconstitutional for Peruvian President Alberto Fujimori to run for a third term of office. Mrs. Revoredo and her husband reportedly were given political asylum in Costa Rica while the children remained in Peru (1 May 1998).

Democratic Republic of the Congo

66. Numerous reports continue to be received about violations of the right to life in the Democratic Republic of the Congo, most of them concerning the alleged killing of Rwandan refugees by the country's security forces. Moreover, over 50 people have reportedly been condemned to death during the past year in military court trials that allegedly did not meet the international standards for judicial proceedings. Additionally, persons attempting to aid the refugees or report human rights abuses are often targeted for killing. It is alleged that the majority of the population does not have access to the courts, nor to reliable news information. The security forces and the police, therefore, are able to act with full impunity in the realm of human rights abuses.

67. The human rights situation in the Democratic Republic of the Congo is analysed in full detail by the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo, Mr. Roberto Garretón, in his most recent report to the Commission on Human Rights (E/CN.4/1999/31). This topic is also addressed in the report of the Secretary General's investigative team (S/1998/581, annex), which visited the country between August 1997 and April 1998.

Communications sent

68. The Special Rapporteur transmitted an urgent appeal jointly with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo concerning two soldiers, one civilian, and a pregnant woman accused of armed robbery and sentenced to death by a military court. The three men were executed immediately, but the pregnant woman was reportedly awaiting her execution on death row. Also addressed in this urgent appeal was the case of a prisoner accused of aiding the Mai Mai and of armed attacks, and sentenced to death and executed by the military court in Bukavu on 7 January 1998. Finally, the case of two soldiers, Jean Claude Muriri and Muhanzi Shombo, accused of violating military regulations and attempted murder and also sentenced to death, was addressed in this communication (27 January 1998).

69. Another joint urgent appeal was transmitted by the Special Rapporteur in collaboration with the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo on behalf of six persons, including Matabaro, Ngonga, Musema Gatabzi and Mungonderwa, allegedly sentenced to the death penalty for armed robbery. This urgent appeal also addressed the case of three members of the security forces, including Kale Muhoza, allegedly convicted of rebellion and sentenced to death (1 May 1998).

70. The Special Rapporteur also transmitted the following allegations to the Government of the Democratic Republic of the Congo:

(a) Regarding the killing by military forces of Rwandese refugees or those attempting to aid them: 154 people, including Wandjo, Camile, and Cleophace (dignitaries of the Lwamba locality), 54 Rwandese refugees and approximately 100 civilians, reportedly killed between 25 March and 7 April 1998 in Shabunda, South Kivu province; 4 people, including Katumbo Mburanumwe, a child and two Rwandese refugees were allegedly shot dead by soldiers near Karumba on 29 May 1998 as Katumbo Mburanumwe was attempting to lead a large group of refugees back to their home country;

(b) Regarding the killing of civilians: 30 people, including Ndamubuya, Kasinga Ndamugabumwe and Sinsiri Kyuka, allegedly killed by government forces on 12 May 1997 in Mudja, Bukumu county, Nyiragongo district, Kivu; 4 women, including Kahindo and Shimirayi, supposedly killed by members of the military on 18 and 20 December 1997 in Rungoma and Pinga towns, in the Walikale territory, in punishment for allegedly practising witchcraft;

(c) Regarding the killing of human rights activists: Oswald Hakorinama was allegedly killed on 30 March 1998 in Nyamitaba,

Masisi territory, by members of the armed forces, supposedly because of his involvement in the reporting of grave human rights violations in the country through the Grande Vision association, which he co-founded.

Observations

71. The Special Rapporteur has not received any replies to her communications and remains concerned about the widespread impunity and lack of respect for human rights shown by the current AFDL (Alliance des forces democratiques pour la liberation) Government of the Democratic Republic of the Congo. The situation appears to be exacerbated by the new Government's structure, in which power rests solely with the head of State, all government and armed forces personnel being accountable only to one individual. This has led to mass extrajudicial killings of individuals, including women and children of Hutu origin, many of whom were residing as refugees in the eastern part of the country. The Special Rapporteur urges the Government to institute democratic structures as soon as possible and to ensure the human rights of its citizens.

Egypt

72. The Special Rapporteur continued to receive reports of death sentences imposed by military and criminal tribunals that fall short of international standards and fail to respect safeguards established by the International Covenant on Civil and Political Rights. Reports claimed that since October 1992, military courts that do not allow for the right to appeal have handed down 58 death sentences. It was asserted that the impartiality and independence of judges sitting on these courts is questionable and that defendants' rights to a fair trial and appeal are not being satisfied within the judicial system. The Special Rapporteur also received allegations regarding deaths in custody.

Communications sent

73. The Special Rapporteur sent one urgent appeal to the Government of Egypt, on behalf of Mohammad Fathi 'Abd al-'Azim and Mahmoud Mostaga Sulayman, who were reportedly sentenced to death by an Emergency Supreme State Security Court in Cairo. The two men reportedly had been acquitted of all charges by the same court in 1995 after the court found that their confessions had been extracted under torture. A retrial was said to have been ordered by the Prime Minister (11 December 1997).

Communications received from the Government

74. The Government transmitted one reply to the Special Rapporteur during the period under review. In it, the Government explained that it was not a signatory to the Second Optional Protocol to the International Covenant on Civil and Political Rights and gave numerous reasons for maintaining the death penalty. The communication also included a detailed analysis of the conditions and safeguards for the application of the death penalty, a list of the offences for which the death penalty can be imposed, and the right of the President of the Republic to issue amnesties in respect of prisoners (29 December 1997).

Observations

75. While the Special Rapporteur would like to sincerely thank the Government of Egypt for its response, she would also like to encourage the Government to reflect upon and reconsider its firm position on the death penalty.

Ethiopia

76. The Special Rapporteur expresses her concern over the reports of extrajudicial executions currently taking place in Ethiopia. The alleged assailants have included members of the police forces as well as members of the military.

Communications sent

77. During the period under review, the Special Rapporteur sent 12 individual allegations regarding extrajudicial executions carried out by police officers and military personnel of Ethiopia. The individuals on whose behalf they were sent include the following:

(a) Khadar Dulguf Mashkooke, who apparently died on 18 July 1997 as a result of torture inflicted upon him by soldiers of the Ethiopian People's Revolutionary Democratic Front;

(b) Ugas Mohamed Muhumed Fatule and Ibrahim Deeh Fatule, two men who reportedly died in the military barracks in Qabridaharre. Their bodies were apparently displayed in the town and were prevented from being buried for two days. Nine other unidentified persons detained with the two men are missing and presumed dead;

(c) Gahnug Yusuf Aare, Haybe Hirad, Mohamed Aw Farah Gaiye, Mohamed Aabbi Hirsi, and Abdi Mohamed Yare, who were all reportedly killed by soldiers of the Ethiopian People's Revolutionary Democratic Front in the town of Hodayo;

(d) Terefe Qumbii, Tesfaye Kumsissa and Gudissa Annisa, who died after being shot by local police in Jeldu. The police claimed that they died in a shoot-out, yet witnesses assert they were all unarmed;

(e) Ato Assefa Maru, a member of the Executive Committee of the Ethiopian Human Rights Council, who died after reportedly being shot by policemen in Addis Ababa. The police claim he was shot after trying to escape while other sources state that at no time was he fleeing.

Communication received from the Government

78. The Special Rapporteur received a communication from the Government detailing the events concerning the death of an Ethiopian national named Mgbnesh Mulatu who was killed after being shot by an unknown assailant while she was working in Mendeferra, Eritrea.

Observations

79. The Special Rapporteur is concerned that the Government did not reply to the allegations sent regarding the shooting of Ato Assefa Maru and is hoping soon to receive news of the progress of the legal inquiry into this death.

France

Communication sent

80. The Special Rapporteur transmitted one individual allegation on 18 September 1998 to the Government of France on behalf of Fabrice Fernandez, who was reportedly killed while handcuffed and under interrogation by police officers. The officer charged with the crime was apparently suspended from duty and charged with murder.

Germany

Communications received from the Government

81. The Government replied to the follow-up information requested by the Special Rapporteur concerning the case of Kola Bankole. In detailing the proceedings against the emergency doctor who treated Kola Bankole, the Government informed the Special Rapporteur that the proceedings were discontinued in a public hearing on 24 February 1997 after the defendant agreed to pay DM 5,000 to Amnesty International as well as the legal fees. This arrangement was expressly agreed to by Mr. Bankole's brother (14 January 1998).

82. Concerning the reasons for the rejection of the complaint filed by Mr. Babatonde Bankole against the discontinuing of investigation proceedings concerning officers of the Federal Border Guard, the Government explained that there was insufficient evidence that officers of the Federal Border Guard had committed a criminal offence (14 January 1998).

Guatemala

83. The number of incoming allegations of violations of the right to life has decreased since the end of the civil war in the country. The majority of the cases received, however, concern individuals working to bring to justice those who committed crimes during the conflict.

Communications sent

84. The Special Rapporteur transmitted two urgent appeals to the Guatemalan Government, urging it to take action to protect the lives and physical integrity of the following individuals who had received death threats:

(a) Prospero Penados, Pietro Notta and other members of the Archbishop's Human Rights Office (ODHA), reportedly threatened with death following the funeral of Monseignor Juan Gerardi, late auxiliary bishop of the archdiocese of Guatemala and Director of the ODHA. Monseignor Gerardi was killed two days after he presented a report on the crimes committed by the

army during the civil war. It is alleged that his death, as well as the subsequent threats received by other members of the ODHA, could be linked to these reports (18 May 1998);

(b) Members of the Mayan Defence of Guatemala, in particular, its director, Juan Léon Alvarado, the organization's lawyer, Ovidio Paz, the legal adviser, Ricardo Sulugi, the General Secretary, Aura Jiatz, and the project supervisor, Leticia Velázquez. These individuals had allegedly been approached by armed men who questioned them about their activities with the Mayan Defence and threatened them with death if those activities did not stop. It is believed that the threats were connected to the recent efforts of the group to bring army personnel to justice for the crimes they allegedly committed against indigenous populations during the 1980s (25 May 1998).

85. The Special Rapporteur also transmitted the following allegations of violations of the right to life of the following individuals to the Government of Guatemala:

(a) Monseignor Juan Gerardi Conedea, auxiliary bishop of the archdiocese of Guatemala and Director of the Archbishop's Human Rights Office, reportedly killed on 27 April 1998 in the San Sebastian Church in Guatemala City by unidentified individuals. It is alleged that Monseignor Gerardi was beaten to death. His death occurred two days after his presentation of a report which largely blamed the army for the majority of human rights violations which took place during the civil war;

(b) Edgard Estuardo Motta González, allegedly killed on 8 October 1997 in Guatemala City by unidentified individuals while working in his carpentry workshop. It is reported that his death was connected to the fact that he was the key witness in a trial against Anibal Archilla Pérez, Miguel Angel López Cal and Miguel Rodríguez Revolorio, three policemen condemned to death for the killing of Luis Pedro Choch Reyna. These policemen had also reportedly attempted to kill Mr. Motta, but he survived to testify against them.

Communications received from the Government

86. The Government of Guatemala updated the Special Rapporteur on the recent developments in the case of the killings of José Elias Salanzar Lorenzo and Manuel Chub Caal, both killed in the city of Poptun, Petén, by Mayor José Antonio Cruz Monzón. The bodies of Mr. Salanzar and Mr. Chub were examined by forensic experts. The Government reported that Mr. Cruz was apprehended by the police and stood trial in a civilian court, where he was convicted on two counts of homicide (29 November 1997).

87. The Guatemalan Government also informed the Special Rapporteur that the allegations she sent this year were received and directed to the appropriate officials, who would inform her about the progress of the investigations (25 June 1998).

Observations

88. The Special Rapporteur would like to thank the Guatemalan Government for its replies to her communications and its cooperation with her mandate. It is also commendable that the number of allegations of violations received has dropped significantly since the civil war ended. She remains preoccupied, however, by the great number of allegations received concerning violations supposedly perpetrated against indigenous populations and human rights defenders. This pattern could indicate a reluctance on the part of the Government to take full responsibility for its past actions. The Special Rapporteur urges the Government to work diligently towards keeping a lasting peace, a key aspect of this process being to ensure the fundamental human rights of all of its citizens.

Honduras

Communications sent

89. The Special Rapporteur transmitted two allegations of violations of the right to life to the Government of Honduras.

90. On behalf of Edwin Ramírez (age 3), allegedly killed on 30 September 1997 in Dora, Yoro, while travelling by truck with his parents. It is reported that three armed men opened fire on the truck. The infant's father, Benigno García, who was also injured in the attack, is reported to be a human rights defender who works with the populations of San Pedro Sula and Yoro. Supposedly, the orders for this attack were given by an ex-member of the Intelligence Services of the Honduran military.

91. Concerning Jorge Castillo and Julian Alberto Morales, who allegedly died on 21 October 1997 near Tela Atlantida. Both members of the Garifunas Indigenous Group, it is reported that with the acquiescence of government authorities, the two men were killed by landowners and businessmen wanting to develop a tourist complex on land bordering the Atlantic Ocean which allegedly belongs to the Garifunas.

Indonesia and East Timor

92. Reports continue to be received by the Special Rapporteur concerning human rights abuses in Indonesia and East Timor. It is alleged that police forces, which are still overseen by the military, purposely target political protesters and ethnic minorities, who are often arrested and subjected to ill-treatment which results in their death. Furthermore, it is reported that investigations into such incidents are rarely carried out and their perpetrators are almost never held accountable for their actions.

Information and communications sent to the Government

93. The Special Rapporteur transmitted an urgent appeal concerning the reported deaths of at least five Trisakti University students on 12 May 1998. The deaths reportedly occurred during a student protest which became violent. In light of the current political situation in Indonesia and the consequent likelihood of other protests, the Special Rapporteur reminded the Indonesian

Government of several international human rights mechanisms which protect individuals from such occurrences and urged the Government to use restraint when containing future protests (20 May 1998).

94. The Special Rapporteur also transmitted the following allegations to the Indonesian Government:

(a) Regarding the excessive use of force during demonstrations: Manuel Marques, allegedly killed on 27 June 1998 in the town of Aitais in Manatuto by members of the Indonesian military when a stray bullet reportedly fired at unruly protesters hit him; Olandino Marcelino da Costa, reportedly killed by shots fired by Indonesian security forces in Baucau on 29 June 1998 when a crowd of pro-independence protesters, organized to greet an EU delegation, became angry when security vehicles appeared; and Mrs. Sangkek and David Kapisa who were allegedly shot in the head by security forces on 2 July 1998 during a demonstration in front of the local parliament in Sorong, Irian Jaya;

(b) Regarding deliberate killings by security forces: Herman Dasdores Soares, reportedly killed by a member of Indonesian Territorial Battalion 315 in Obrato, Mantuto district, on 16 June 1998 while gathering wood which soldiers apparently mistook as stolen from the military; Carlos da Silva and Carlos da Costa, allegedly killed in Bucoli village, Baucau, on 10 May 1998 after their names were divulged as being possible participants in a clandestine resistance group; Maria Freitas, who allegedly died of wounds from shots fired by members of the Indonesian military into her home in Samala hamlet, Wailili village, East Timor on the night of 14 April 1998.

Information and communications received from the Government

95. The Government provided information to the Special Rapporteur on the following allegations:

(a) The death of David Alex on 25 June 1997 was due to bleeding from gunshot wounds received during an exchange of fire between Indonesian security forces and Mr. Alex's resistance group. Despite his status as one of Indonesia's most wanted men, maximum medical attention was provided to attempt to save his life and after his death, the State organized a burial ceremony in accordance with Mr. Alex's Catholic religious beliefs. Further, the State maintains that security forces had no motivation to kill Mr. Alex, as he could have been a valuable source of information;

(b) With regard to the alleged killing of Januario Quintas, Francisco and Fernando Lopez on 8 February 1997, the Indonesian Government reports that after undertaking a thorough investigation into the matter, it could find no evidence of the alleged killings;

(c) As concerns the deaths of the five Trisakti University students shot during a protest on 12 May 1998, the Government maintains that it acted in strict accordance with accepted crowd-control methodology and that police used no live ammunition that day. The Government asserts that the students were killed by gunfire which came from an overpass near the protest site, fired by an as-yet-unknown perpetrator. In addition, two of the senior police

officers responsible for crowd control on the day of the protest have been court-martialled and sentenced to 14 months of imprisonment each for their mishandling of the situation.

Follow-up

96. The Special Rapporteur expressed her desire to visit Indonesia to examine the human rights situation in the country in situ, where she feels that she would be able to more effectively assess the allegations she is receiving and make recommendations to the Government (27 November 1997).

Observations

97. The Special Rapporteur continues to be concerned about the status of human rights in Indonesia and East Timor, most especially in the context of violations of the right to life that occur because of the excessive use of force by government authorities during peaceful demonstrations and the ethnic tensions that are present in East Timor, Irian Jaya, and towards the Chinese-Indonesian ethnic community as a whole. The Special Rapporteur urges the new Government to ensure that violators of human rights in Indonesia are brought to justice. Additionally, she recommends that law enforcement agencies receive human rights training to reduce the severity of future clashes between the police and the citizenry. In addition, she would like to thank the Government for its replies to her communications.

India

98. The Special Rapporteur recognizes the hostile environment pervading various regions in the country. The efforts by the Indian Government to "restore faith in the democratic order and the rule of law and to prevent further loss of life" in these areas is highly appreciated. Yet, these same laws protect members of the armed forces from prosecution and appear to propagate extrajudicial, summary and arbitrary deaths resulting from the excessive use of force by military personnel. Such accounts, coupled with further reports on deaths in custody and deliberate killings, continue to be received by the Special Rapporteur.

Communications sent

99. The Special Rapporteur transmitted to the Government allegations regarding violations of the right to life on behalf of the following individuals:

(a) Khaidem Bijoy Singh, who was arrested by the Thoubal police on 10 January 1997 and whose dead body was found in the police station soon after. The Government reportedly paid the family Rs 50,000, but no judicial inquiry has been initiated to bring those responsible to justice;

(b) Koijam Rajen, an alleged member of the People's Liberation Army, who was allegedly shot by police in Manipur after being taken from his home on 6 February 1997. No judicial inquiry has been undertaken;

(c) Moirangthem Surjeet, Khangembam Inoaba and Takhelambam Jadumani, who were all allegedly killed on 25 February 1997 by soldiers stationed in Bazar. There has yet to be a judicial investigation inquiring into the matter;

(d) Khamkhopao Misao, who was reportedly taken from his home on 1 April 1997 by army personnel in Bungnual and killed shortly thereafter;

(e) Kannuri Srinivas, who died after being taken from his home on 22 May 1997 by police officers in Lakkepur. The police claim he was killed in an exchange of fire but eyewitnesses assert that no such incident ever occurred;

(f) Ramaso Shingnaisui and Naokahao Shingnaisui, a father and son who were allegedly killed on 19 July 1997 by army personnel because of suspicion that they participated in an ambush against an army convoy. Ramaso Shingnaisui was apparently arrested by the army on 17 July 1997. Two days later, the local police were informed that his dead body was at the army camp;

(g) Susendra Bhuyan and Amorendra Choudhury, two men who were picked up by army personnel on 17 June 1997. Reports claim that a high court ordered the army to hand over the detainees on 20 June 1997. On 21 June, the two dead bodies were allegedly delivered to the police station.

Follow-up

100. The Special Rapporteur feels that the Government of India does not welcome visits. Her predecessor had asked on several occasions to be allowed to visit the country, but to no avail. She is hoping to engage in a dialogue with the Government on this subject in the future.

Observations

101. The Special Rapporteur would like to note that the problem of extrajudicial executions permeates every region of India and that she is especially dismayed, in light of this observation, that the Government has not yet responded to any of her allegations.

Iran (Islamic Republic of)

Communications sent

102. The Special Rapporteur sent five urgent appeals to the Government concerning individuals convicted in trials that failed to meet international standards.

103. The first appeal was sent with the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on violence against women, on behalf of Zoleykhah Kadkhida, a 20-year-old woman sentenced to death on 11 August 1997 for reportedly engaging in sexual relations outside marriage. She was apparently stoned to death

despite the fact that an appeal for clemency was pending. After having been confirmed dead by doctors, Ms. Kadkhida began breathing and was taken to a hospital where her condition stabilized (6 January 1998).

104. The second appeal was sent regarding the case of Mohammad Ali Araei, allegedly sentenced to death by a military court that denied him the right to appeal. He was said to have been convicted of robbery and "being against the people's will" and was reportedly tortured until he signed a confession admitting participation in activities against the Government (13 February 1998).

105. The third urgent appeal was sent by the Special Rapporteur and the Special Representative on the situation of human rights in the Islamic Republic of Iran on behalf of Moreeza Firouzi, reportedly sentenced to death for espionage. According to the information received, he was held incommunicado for several months before being allowed access to legal counsel and was convicted in a secret trial (26 February 1998).

106. A follow-up urgent appeal was sent to the Government reasserting the Special Rapporteur's call for the protection of the right to life of Moreeza Firouzi (20 May 1998).

107. The last appeal was transmitted on behalf of Sirus Dhabihi-Muqaddam and Hidayat-Najafabadi, both reportedly sentenced to death for their religious beliefs (2 October 1998).

Communications received from the Government

108. The Government replied to several communications transmitted by the Special Rapporteur. In regard to the case of Zoleykha Kadkhoda, the Government stated that she was released on 26 November 1997 and that her case was dismissed following the court's decision (17 February 1998).

109. In response to the allegations sent on behalf of 27 individuals who were said to have been killed by anti-riot police during a protest, the Government denied all claims. The Government asserted that violence had broken out during the ballot counting in a parliamentary election and two people died as a result while 26 others were injured. The Special Rapporteur was informed that the Bonab judiciary was investigating the case (18 December 1997).

110. With reference to the case of Mohammad Ali Ataei, the Government stated that there was no record of him in the files of the Judiciary Organization of the Armed Forces (29 June 1998).

111. The Government also informed the Special Rapporteur that the Supreme Court had rejected the death sentences of Syres Zabihi and Heaqat Kashefi, following which the defendants were retried by a court in Mashad and convicted of acting against national security. The men were sentenced to death but their sentences have yet to be confirmed by the Supreme Court. The Government assured the Special Rapporteur that if this occurs, Syres Zabihi and Hedayat Kashefi will still be able to appeal to the courts for clemency (7 October 1998).

Iraq

112. Reports continue to be received by the Special Rapporteur concerning the execution of hundreds of political prisoners detained in penitentiaries throughout the country. Sources claim that the reported deaths in these facilities are part of the so-called "prison cleansing campaign" that was ordered by the head of the Special Security Organization. These grave allegations also assert that the detainees were convicted because of their supposed opposition to the Government and after trials that did not meet international standards. The Special Rapporteur continues to be informed about the extensive use of the death penalty for drug-related offences and economic crimes.

113. For an in-depth analysis of the human rights situation in the country, the Special Rapporteur refers to the most recent report submitted by the Special Rapporteur on the situation of human rights in Iraq to the Commission on Human Rights (E/CN.4/1999/37).

Communications sent

114. The Special Rapporteur sent an urgent appeal on behalf of Ammar Shahab al-Din, a Jordanian national who was reportedly sentenced to death on 7 December 1997 for smuggling (12 December 1997).

115. An urgent appeal was also transmitted on behalf of hundreds of prisoners in Abu Ghraib and Radwaniyah who reportedly have been and continue to be executed as a part of the so-called "prison cleansing campaign" (29 December 1997).

116. The Special Rapporteur transmitted allegations regarding violations of the right to life on behalf of the following individuals:

(a) Ayatollah al-Kharawi, a Shia leader of the Najaf Theological School, who was reportedly arrested by the Iraqi security force on 19 June 1998 and shot along with three other unidentified persons. The body was reportedly found by Ayatollah al-Kharawi's son, who attempted to give it a ceremonial burial. Sources claim that personnel of the Iraqi security force took the body away and immediately buried it;

(b) Raheem Shuker Mahmoud, Ramadhan Karim Saeed, Fadhel Majid Hameed, Karzan Rashid Saber, Hussein Kadhem Jawad, Faleh Hassan Khudher, Nayef Allawi Hamoudi, Salah Hamza Mahmoud, Mekki Hassan Layeq, Khalaf Janhan, Jawad Hayder Al-yasseri, Aalaa Ali Abdul Hussein, Ahmed Aawaf Shaker, Hilal Hussein Abdul Samad, Abdul Aziz Taleb Hussein, Hamoudi Shallal Kadhem, Abdul Hamid Murtadha Shehab, Abdul Hussein Ali Alaa El-deen, Abboud Hilal Ramadhan, Faris Mahmoud Rashid, Fadhel Redha Hassan, Hamoudi Ayed Aydan, Saleh Abdul Hadi Haddam, Haythem Hasan Hareth, Wasef Allawi Tumah, Umayr Jassam Umran, Mahmoud Taleb Wajed, Faris Onwan Lahib, Mehdi Ayesh Eidan, Abdul Samee Hasson Alaa, Safaa Hussein Ali, Abdul Fattah Ismail Ali, Mohammaed Shehab Ali, Ayed Khalaf Ghafel, Fayyadh Mekki Issa, Salen Hussein Wejdan, Amir Saleh Hussein, Musleh Khalil Hussein, Nafi Khaled Yassin, Ramadhan Mehdi Issa, Hussein Adel Hussein, Mustapha Jaber Bager, Bager Mehdi Salman, Atheer Kadhem Milad, Hamdan Hussein Ali, Enad Abdul Aahad Hussein, Lamee Nasssar Abdul Bari,

Atheer Qassem Allawi, Hussein Raed Kadhem, Kadhem Hussein Jaber, Murtadha Jalil Sayfullah, Awad Hassan, Jassem Jadou Salem, Farhan Hameed Ali, Hassan Hussein Fares, Dheyaa Nayef Hadi, Hussein Murshed Faysel, Radhi Abdul Wahed Fattah, Fakher Abdul Wahed Eidan, Sadr-ul-deen Sultan Maree, and Shehab Humoud Faleh, who are all alleged to have been arrested for their participation in the May 1991 uprising and killed in June 1998 in accordance with the "prison cleansing campaign". The bodies were allegedly buried in mass graves without notification to the families.

Communications received from the Government

117. The Special Rapporteur received two replies from the Government of Iraq concerning individual allegations and appeals. The first communication was an assurance by the Government that all information regarding Hamed Rahmani would be submitted (26 November 1997).

118. A reply was also received concerning the case of Ammar Ghalib Mahmoud Shihab al-Din, a Jordanian national convicted of smuggling heavy equipment across the Iraqi-Jordanian border. The Government confirmed reports that he was sentenced to death but stated that the Amnesty Decree of President Saddam Hussein enabled him to return to Jordan (30 March 1998).

Israel

119. For an in-depth analysis of the human rights situation in the country, the Special Rapporteur refers to the most recent report submitted by the Special Committee to Investigate Israeli Practices affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories to the General Assembly (A/53/661).

Communications sent

120. The Special Rapporteur sent individual allegations regarding the violation to the right to life on behalf of the following persons:

(a) Ali Jawarish, a 7 year-old child reportedly shot on 11 November 1997 by soldiers of the Israel Defence Forces during clashes at Rachel's Tomb in Bethlehem. Reports claimed that he was among several dozen Palestinian children who were throwing stones and burning tyres during a Jewish religious ceremony. One soldier was blamed for firing at the group and was alleged to have shot Ali Jawarish. It was further stated that no assistance was offered to the child;

(b) Ibrahim Tawfiq Abu Ratima, a 14 year-old child reportedly shot by an Israeli soldier on 22 June 1997 after refusing to follow his orders. The boy was apparently taken to Shifa hospital where he died on 3 July 1997;

(c) Marwan Hassan Ibrahim Maali, imprisoned on 4 August 1997 by the Israeli army and found dead in his cell in Megiddo prison on 15 September 1997. Official reports claim he committed suicide; however, this was refuted by the source. It was reported that he was in good health mentally, and a scheduled family visit was prohibited by the authorities the day before he was said to have died;

(d) Khalid Ali Abu Daiyya, reportedly detained in West Jerusalem where he was beaten and tortured. He allegedly died at Sharei Zedek hospital on 21 May 1997 and the autopsy report was said to have confirmed that he had been subjected to severe beatings which resulted in multiple fractures on the right side of his face. Sources claimed that he was beaten to death with heavy instruments.

Observations

121. The Special Rapporteur is gravely concerned about the continuing situation in the occupied territories and notes that such a situation tends to have a dehumanizing effect on those involved. She is appalled that in the past year the conflict in this region and the anger resulting therefrom were the cause of the death of an innocent 7-year-old child.

Japan

Communications sent

122. One urgent appeal was sent to the Government on behalf of Shimazu Shinji, Ida Masamichi, Tsuda Akira, Muratake Masahiro and Takeyasu Yukihisa, who were reportedly facing imminent execution after being denied legal counsel during the investigation of their case (15 January 1998).

123. The Special Rapporteur transmitted an allegation regarding the violation to the right to life on behalf of Mousavi Abarbekouh, an Iranian national who reportedly died while being held in a detention centre in Tokyo. His death allegedly followed a fight between himself and prison guards and was reportedly caused by a head injury.

Communications received

124. Regarding the case of Shimazu Shinji, Ida Masamichi, Tsuda Akira, Muratake Masahiro and Takeyasu Yukihisa, the Government stated that all those suspected and accused of committing crimes are guaranteed the right to legal defence, including the aforementioned persons. Furthermore, when the offence is punishable by death and the accused cannot secure a defence counsel, the State must assign one. All convicted persons are afforded an adequate appeals process (3 March 1998).

125. The Government replied to the allegations concerning the case of Mousavi Abarbekouh, stating that while being detained by the Immigration Control Office, he had been restrained by officers after he pushed them. When the officers attempted to remove the instrument of restraint, the detainee threw his head back and hit it on the floor and lost consciousness. A prosecutorial investigation into the matter concluded that no crime had been committed by the officers and that Mousavi Abarbekouh died as a result of his own actions (30 October 1998).

Kazakhstan

Communications sent

126. The Special Rapporteur submitted an urgent appeal, together with the Special Rapporteur on the question of torture, on behalf of Khamit Memet and two other ethnic Uighur Chinese nationals who were reportedly in imminent danger of being extradited to Xinjiang Uighur Autonomous Region where they faced torture and possibly execution. All three men were apparently arrested while attempting to cross the border between China and Kazakhstan and were being detained in the "investigation isolation prison" of the Committee of National Security in Almaty (26 October 1998).

Liberia

Communications sent

127. The Special Rapporteur transmitted one communication to the Government of Liberia concerning the deaths of Samuel Dokie, Janet Dokie and two other unidentified persons. All four were reportedly arrested on 29 November 1997 by soldiers of the special security forces. Their bodies were found on 4 December 1997 on the outskirts of Gbarnga. Five reported arrests were made in connection with this incident.

Malaysia

Communications sent

128. The Special Rapporteur sent allegations regarding the violation of the right to life on behalf of the following individuals:

(a) Enyang Ak Ge[illegible]ang, reportedly killed on 19 December 1997 by Malaysian police during a violent conflict that broke out between indigenous Iban villagers and the police forces. It was alleged that the villagers were unarmed, thus indicating an excessive use of force by the police;

(b) Eight unidentified Indonesians who were being forcibly repatriated by the Malaysian police from immigration detention camps. During the repatriation on 26 March 1998, resistance by one group led to a violent incident in which the eight individuals were reportedly killed along with one police officer;

(c) Usman Bin M[illegible]hammad, who reportedly died on 10 November 1997 at the immigration depot in Malacca. He was said to have been suffering from severe stomach, leg and thigh pain and did not receive any medical attention. According to the autopsy, he had a ruptured intestine and blood clotting in his lungs and heart.

Mexico

129. The Special Rapporteur reports that while, owing to a lack of resources, fewer allegations were sent this year to the Government of Mexico regarding violations of the right to life the human rights situation in the country

remains preoccupying, especially in light of the recent killings in Chiapas. The Government did, however, make an admirable attempt to respond in detail to numerous past allegations.

Communications sent

130. The Special Rapporteur sent one urgent appeal to the Mexican Government during the period under review on behalf of the indigenous peasant populations living around the area of Acteal in the municipality of Chenalho, Chiapas State. The appeal was sent in the aftermath of the killing of 45 Tzotziles on 22 December 1997 in this area. During the incident, it was reported that 21 women, 15 children and 9 men died, while several others were injured and hospitalized. The killings are believed to have been carried out by two paramilitary groups known as Paz y Justicia (Peace and Justice) and Máscara Roja (Red Mask), who reportedly attacked the indigenous group for their support of the armed opposition group known as the Zapatista National Liberation Army (EZLN). It was further alleged that the killings took place near a police station but that the police did not intervene (16 January 1998).

131. In addition, the Special Rapporteur brought allegations of the violation of the right to life of 25 individuals to the attention of the Mexican Government.

132. The dead body of Jorge Nava Áviles was discovered in the vicinity of Iguala-Palmira along the Mexico-Acapulco Highway by members of the Federal Highway Police as it was being disposed of by three officials from the State of Morelos. It was alleged that Mr. Nava Áviles had been detained on 27 January in Jiutepec, Morelos, by members of the police force.

133. Cenobio Sixto Santos, 17 years old, was allegedly killed on 26 March 1998 by members of the Federal Army, who entered the community of Barrio Nuevo, San José, Tlacoachistlahuaca municipality, Guerrero State, where they searched homes for firearms. During the operation, it is reported that Cenobio Sixto Santos died from blows he received from the soldiers. It is said that Barrio Nuevo San José has actively sought recognition as an indigenous group for some time.

134. Gerardo Villarreal Rodríguez reportedly died on 26 February 1998 in Linares, Nuevo León, after having been ill-treated by members of the State Judicial Police.

135. Jose Tila López García, a Chole indigenous person, was reportedly killed by members of the Paz y Justicia paramilitary group as a reprisal for having denounced the human rights situation in Mexico to the International Civil Commission of Human Rights Observers. His death reportedly took place on 28 February 1998 in the town of Tzaquil.

136. Oscar Rivera Leyva was allegedly killed on 19 April 1998 in Atoyac by a group of individuals who counted among their numbers an active member of the military. Mr. Rivera Leyva was reportedly shot dead as he was leaving a political meeting, and it is believed that his death was a reprisal for denunciations he had made concerning the human rights situation in Mexico, particularly in regard to the Agua Blanca massacre.

137. Fernando Félix Guadalupe, Manuel Francisco Prisciliano, Fidencio Morales Castro, Juan García de los Santos, Apolinar Jiménez García, Honorio García Lorenzo, Mauro González Castro, Mario Chávez García, Daniel Crisoforo and Ricardo Zavala were reportedly killed in El Charco on 7 June 1998 by members of the Mexican military. All of the men were reportedly members of the Popular Revolutionary Army (EPR) and were sleeping in the Caritino Maldonado school, when they were allegedly awakened by gunfire and killed in the ensuing firefight.

138. Daniel Colinenciso, Jan Carlos Moreno, Iván Moreno, Román Morales Acevedo, Carlos Alberto López Ines and Ángel Leal Olinares were allegedly killed in Colonia Buenos Aires on 8 September 1997 after they were reportedly detained by police. The next day the bodies of the first three were found near Tlahuac; the other three were found on 29 September 1997 in the vicinity of Ajusco Medio. It is reported that all of the bodies showed signs of torture and had been shot.

139. Mirey Trueba Arciniega, was reportedly killed by a member of the military on 22 August 1998 in Guadalupe y Calvo municipality when the truck he was riding in with two friends was stopped by the military and he jumped out of the back and ran. It is reported that he was shot in the back and later died in the hospital.

140. Elber Solano Solano, age 12, was reportedly killed on 30 August 1998 in Rancho de Martín Cruz by a member of the military as he and his friend were drawing water from a well. It is alleged that the soldier told the boy that he wanted to have sexual relations with him and that he later shot Elber Solano.

141. Santiago Luna Reyna, a member of the Peasants' Organization of the Southern Sierra, was allegedly killed on 15 March 1998 in Tepetixtla by members of a paramilitary group.

Communications received from the Government

142. The Government of Mexico sent several communications to the Special Rapporteur during the period under review in response to allegations sent during 1997 and 1998.

143. The Mexican Government sent a reply to the Special Rapporteur on the question of torture regarding the cases of José López Reyes and Ricardo Rico Ubaldo. An investigation into the case was undertaken by the Government, including forensic analysis, and the case was presented in the First Court of First Instance in the Judicial District of Xalapa in October 1996. At that hearing, penal action was taken against 12 members of the Judicial Police of Veracruz for the qualified homicide of José López Reyes and Ricardo Rico Ubaldo. During the whole of the proceedings all pertinent constitutional provisions were observed and the individuals' rights were respected (20 October 1997). The Special Rapporteur was later informed that the parties responsible for the deaths of Mr. López and Mr. Rico had been discharged from their duties as public servants (October 1997).

144. In relation to the case sent by the Special Rapporteur on behalf of Andrés López, allegedly killed in Coyul, Matlatonoc municipality, Guerrero State, the officials charged with investigating the case could find no evidence of the death of this man in the state records. Further information was requested (not dated).

145. Also received was information concerning the case of Erick Cardenas Esqueda, who died in police custody on 4 January 1997, causing an initiation to be undertaken by state officials. The autopsy revealed that death was caused by a lack of blood to the brain, perhaps due to hanging. Three police officers from the municipal police of Nuevo Laredo have been implicated in the case, but have not yet been sanctioned because the case has not yet been concluded. For this reason as well no compensation has been paid to the family (October 1997).

146. Concerning the case of the death of Alejandro Herrera Flores, an investigation has been undertaken by the appropriate state authorities who have found that he died on 5 October 1996 from gunshot wounds, received from police personnel when he refused to allow them to inspect his vehicle. Charges have been brought against the policemen for qualified homicide and abuse of authority, but as the trial is still in process, no sanctions had been applied, nor had the family received any compensation (October 1997). In an update, the Government of Mexico confirmed that those responsible for the death of Mr. Herrera had been sentenced and were in prison (12 February 1998).

147. The Government also sent information regarding the case of the deaths of Belisario Villegas Perelleza, Silvestre Bernal and José Mario Payan Beltrán, reportedly killed in Sinaloa on 29 November 1995. An investigation was launched and three officers of the Municipal Police of Sinaloa de Leyva have been convicted of killing the three men; however, the whereabouts of the officers is at present unknown, so sanctions against them cannot be carried out. The court has yet to determine the compensation due to the families of the victims (October 1997). In an update, the Government indicated that the officers responsible were still at large, and that several other members of the police department had been found guilty of complicity (February 1998).

148. In a follow-up to last year's comments on the case of Gerardo Hurtado Arias, the Government of Mexico stated that an investigation was launched into this matter and that the Special Rapporteur will be advised of any future developments (20 February 1998).

149. Regarding the case of the deaths of Silvano Martínez Salinas, Olivia Vargas Carro, María Carro Jiménez and Mario Martínez Vargas, a minor, a complaint was filed by Flavio Sosa Villavicencio with the National Human Rights Commission, which asked the appropriate authorities in Oaxaca to conduct an investigation. More information will be transmitted as this investigation progresses (13 November 1997).

150. The Mexican Government provided more information concerning the death threats against Yessica Yadira Díaz and her mother, María Eugenia Cazares de Diaz, in Durango State, asserting that the Procurator General of Durango State went to the home of María Eugenia Cazares de Diaz because he had been told that unknown persons had been seen in the vicinity of her home and

he wished to offer her police protection, which she accepted; Ms. Cazares de Diaz reportedly informed the state authorities that she felt sufficiently secure (14 November 1997).

151. Information was also submitted in the case of the death of Celerino Jiménez Almáraz. The Government denied that members of the Oaxaca State Police entered the home of Mr. Jiménez and killed him, asserting instead that upon entering the areas of Jalatengo and Copalita, San Mateo Rio Hondo Miahatlan, the police were fired upon and had to return fire to defend themselves. After this incident the police reportedly surveyed the area and came upon Mr. Jiménez who was still alive but apparently badly injured. The police allegedly tried to transport him to the hospital, but he died on the way. A police investigation was launched. Later, María Estela García Ramírez, the deceased's widow, filed a complaint that the police had entered her home, shot her husband and beaten her father and brother, stolen 3,500 pesos and a recorder, and caused damage to the home. Upon investigating, state medical specialists found no evidence of injury to any member of the family, nor was there any apparent damage done to the home. The matter has yet to be resolved and is still being investigated (14 November 1997). In a follow-up letter, the Government informed the Special Rapporteur that it had received no confirmation of the death threats supposedly levelled against María Estela García Ramírez and that she would have to come to police headquarters to lodge a complaint. There was no new information on the death of Celerino Jiménez Almáraz (6 February 1998).

152. As concerns the case of the death of Juan Aceves Cruz, the Government transmitted a report prepared by the Procurator General of the State of Oaxaca stating that all of the facts of the case as submitted were correct, except that Juan Aceves Cruz was inside a restricted zone of the Oaxaca airport when he was shot. Apparently, the military authorities in this area warned the deceased three times to vacate the area and then fired two warning shots into the air, at which point the man, who on horseback, allegedly charged a lieutenant. At this point Juan Aceves Cruz was shot. His body was identified by his mother who has demanded an investigation into his death. This investigation is being carried out by the competent authorities, who will transmit further details to the Special Rapporteur upon completion of the inquiry (14 November 1997).

153. Regarding the case of the death of Adrián Sebastián Antonio, the Government submits that the facts of the case as transmitted by the Special Rapporteur are incorrect. The Government maintains that Adrián Sebastián Antonio was found by police in the area of the ranch Llano Maguey in possession of a 22-calibre rifle and 8 live cartridges. As he had no licence and the weapon was not registered, the police detained him. During the trip to Oaxaca the vehicle, carrying the detainee and seven policemen, burst a tyre and tipped over. Everyone inside was injured and Adrián Sebastián Antonio died. An investigation has been undertaken and the driver of the vehicle is standing trial for causing the death of Adrián Sebastián Antonio and the injuries to his fellow police officers. A sum of 50,000 pesos has been paid to the family of Adrián Sebastián Antonio in compensation for his death (14 November 1998).

154. In the case of the death of Antonio Torres Estrada, an investigation by the Procurator General of the State of Guanajuato has been initiated, but no evidence has been found to suggest who may be guilty. It was postulated that the deceased may have caused his own death by falling and hitting his head while drunk (11 January 1998). In an update, the Mexican Government stated that the subject had died in the hospital from a blow to the head that he had received from police officers while in prison. No mention was made of a case pending against the officers who inflicted the blow (12 February 1998).

155. Regarding the death of Reyes Penagos, the Government affirms the facts of the case as transmitted by the Special Rapporteur and has launched an investigation, which had not yet concluded (11 January 1998). In an update, the National Commission for Human Rights found police officers of the State of Chiapas responsible for Reyes Penagos' death. Its investigation could be carried no further because of a lack of cooperation from the police forces. The matter has been handed over to the Chiapas state government (12 February 1998).

156. The Government further reports that judicial proceedings against those stated to be responsible for the death of Sixto de la Rosa Martínez is now underway. The facts of the case as the Special Rapporteur transmitted them were correct. The family of the deceased has yet to receive any compensation (12 January 1998).

157. In response to the Special Rapporteur's transmitted allegations and inquiries regarding the events that transpired on 22 December 1997 in the area of Acteal, Chenalho municipality, Chiapas, the Government replied that immediately after the occurrence of the events, it sent teams of investigators into the area. By 28 December 1997, it had been decided to proceed with criminal charges against 40 individuals, including 3 minors. Additionally, it was reported that humanitarian aid was furnished to the area. The investigations and trials were still under way at the time of the Government's communication (21 January 1998). The Government provided additional information on this matter, including news of the indictment of nine other persons including government officials. Information was also provided concerning the follow-up activities of the Procurator General of the Republic, the Secretary of Governance, the Secretary of National Defence and the National Commission of Human Rights (30 January 1998).

158. The National Commission of Human Rights submitted a report on the investigation surrounding the case of the three journalists, Rene Solorio, Ernesto Madrid and Gerardo Segura, whose lives were supposedly threatened because of reports they had made on TV Azteca. The Commission provided a detailed outline of the progress of the investigations undertaken, ending with the journalists' supposed refusal to appear for any further questioning in October 1997 (6 February 1998).

159. The Government also provided information that, with reference to death threats made against Gustavo Zarate, Celso Cruz, Mariano López, Inar Berneli Domínguez, Jorge Motolinia, Rosendo Hernández and Felipe López, the government of the State of Chiapas has taken measures to protect the lives of these individuals (28 May 1998).

160. Concerning the case of Jorge Nava Áviles, the Government replied that several police personnel have been implicated and/or convicted for the killing of this individual and the subsequent police cover-up. In addition, the Procurator General of the Republic has arranged some human rights training for government police forces (23 June 1998).

Follow-up

161. The Special Rapporteur sent a letter to the Government inquiring about a newspaper article that appeared in La Jornada on 12 August 1998, which stated that she had been invited by the Mexican Government to visit the country. The Special Rapporteur requested more information regarding this invitation, so that she could begin to propose dates for a visit to Mexico. At the date on which this report was written, she still had not received a response from the Government. The Special Rapporteur would like to reiterate her desire to visit Mexico (17 September 1998).

Observations

162. The Special Rapporteur regrets the gravity of the violations of the right to life in Mexico in the past year and finds the events that occurred in Chiapas especially disturbing. Additionally, it is worrying that indigenous populations seem to be regularly targeted for this type of violence, as are human rights defenders. The Government's numerous and thorough replies to past allegations is, however, encouraging and demonstrates a will to cooperate with the Special Rapporteur's mandate. She sincerely hopes that this spirit of cooperation will result in a formal, written invitation from the Government to visit the country.

Morocco

163. The Special Rapporteur transmitted one allegation of violation of the right to life to the Moroccan Government on behalf of Khatri Embarec El-Abd, allegedly killed on 11 June 1998 near the Algerian border. He had apparently travelled to Rabat to request a travel visa to Mauritania, which was denied him. On 11 June 1998 his family was informed that he had died of gunshot wounds.

Myanmar

164. The Special Rapporteur received a large number of reports of alleged killings during the period under review. Forced village relocations, forced portering and labour for the military suffered mostly by ethnic minorities, and the impunity of the security forces remain situations for concern from the perspective of extrajudicial, summary, or arbitrary executions. Sources claim that many ethnic minorities, particularly the Karen, have had to flee to refugee camps in Thailand. Additionally, it should be noted that many of those killed were women, children and elderly people.

165. For an in-depth analysis of the human rights situation in the country, the Special Rapporteur refers to the reports submitted by the Special

Rapporteur on the situation of human rights in Myanmar to the General Assembly at its fifty-third session (A/53/364) and to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/29).

Communications sent

166. The Special Rapporteur transmitted the following allegations to the Myanmar Government:

(a) Regarding persons who returned to the villages from which they were forcibly relocated to harvest crops or gather livestock and were reportedly killed, allegations were transmitted on the following persons: Sai La, Nang Lu, Nang Mon (12), Nang Li, Sai Wa-Ling, Sai Lu, Sai Suay-La, Nang Suay-Khin, Loong Sarm-Tao, Nang Lek, Sai Aw-Wa-Ta, Sai Wi-Zik-Ta, Nang Suay-Yunt, Loong Ma-La, Sai Nan-Ti-Ya, Nang Phawng, Nyo Awng, Ping Nya, Wi Ling Ta, Nang Kyar, Nang Kyawt, Pan Ta, Nang Tarn, Tar Li, Ping-Nyar, Ai Nyar, Pan Ti Ta, Ai Kaw, Sai Tun, So Na, Nang Kahm (15), Nang Yong, On Ta, Pe Htee, Za Ling, Zik Ta, So Pe Ta, Aye La (13), Nang Ing, Ti Mat, Pin Ya and Ko Ling;

(b) Regarding persons accused of participating in or aiding insurgent groups who were reportedly killed, allegations were transmitted on the following persons: Loong Su, Nang Nu, Hla Soe, Naw Lah Kweh, Loong Kaw Ya, Loong Aw, Loong Leng, Loong Hawm, Sai Ma La, Sai Taw Na, Sai Awng La, Sai Wi Yig Ta, Sai Saw Nan Ta, Sai Ya Zing Ta, Nang Ncn Zing, Nang Harn, Nang Poi, Nang Lu, Nang La, Kae Lar, Parn La, Ya Ying Ta, Zai Saw Ying Na, Aw Pae Ta, Wa Lik Ta, Nya Na, Phaw Ka, Kaw Ling, Wi Mar Lar, Nang Suay Han, Nang Man, Zai Mar Lar, Zai Too, Loong Sai Long, Loong Yawd Kham, Loong Sai Long, Loong Yawd Kham, Loong Par Hla, Loong Thi, Sai Hla Kyi, Sai Tee Ya, Sai Kham, Sai Nu, Sai Myo, Sai Leang, Sai Ar Lee Ya, Sai Vi Sing Tar, Sai Kar Vi, Sai Vi Mar Lar, Nang Pong, Nang Aye, Nang Pool, Nang Kham Arm, Nang Parng and Nang Soi;

(c) Regarding the alleged killings of villagers near their homes or through forced labour assignments, allegations were transmitted on the following persons: Nang Ying-Yunt (17), Loong Kank Sai, Pa Nya Paw, Loong, Mu, Loong La, Loong Sai Long, Awng Sa, Loong Loi Kham, Parn La, Awng Mya, Kham Leng, Loong Mung, Loong Loo, Ta Naw, Awng Thun, Sai Harn, Loong Pan-Ta, Loong Kham-Leng, Sai Thun-Nae and Khin Maung Win;

(d) Regarding the alleged killing of political detainees and monks, allegations were transmitted concerning the case of U Tin Shwe, a 67-year-old lawyer and prominent writer, and Venerable Yan Na and Venerable Ein Taga, both monks;

(e) Regarding refugees reportedly killed in transit, allegations were transmitted concerning Nang Kham, Nang Lu (17), Nang Oom (16) and Nang La Koi (16).

167. In addition to these allegations, the Special Rapporteur also transmitted allegations concerning violations of the right to life on behalf of 49 unidentified persons.

Observations

168. The Special Rapporteur is deeply dismayed by the large number of allegations of the violation of the right to life by State actors which she continues to receive. She finds the impunity enjoyed by these persons most abhorrent and notes that many of the deaths reported occurred owing to alleged forced portering, forced relocations, and violence against women. She also regrets that ethnic minorities, especially the Karen population, appear to be targeted for these abuses. She would encourage the Government to institute democratic practices as soon as possible and to take steps to ensure its population's human rights by bringing those who commit violations of these rights to justice. She further regrets that the Government of Myanmar has not responded to her communications and looks forward to receiving these replies in the future.

Nepal

Communications sent

169. The Special Rapporteur transmitted one communication to the Government of Nepal concerning the death of Namchung Gyatso, a Tibetan monk shot by Nepalese police during an armed clash on 15 September 1998. He reportedly died because of the one-hour delay it took for the police to transfer him to a hospital.

Communications received from the Government

170. The Government transmitted one reply to the Special Rapporteur during the period under review. In its report, the Nepalese Government asserted its desire to promote and institutionalize human rights. It declared that people in custody are not tortured and are provided with appropriate medical attention. Furthermore, the Government stated that within the past two years, a terrorist group called the Maoists has been responsible for attacks on police posts, the maiming of innocent and unarmed civilians, the destruction of private property and the deaths of 143 people. In dealing with this armed insurgent group, the Government maintains that no one has died in police custody, and that they are attempting to resolve the problem with the utmost seriousness (14 April 1998).

Observations

171. Despite the communication received this year refuting all allegations, the Special Rapporteur regrets that no replies to any individual allegations or urgent appeals have been received in the past two years. The Special Rapporteur remains concerned at the apparent worsening of the human rights situation in the country. The allegations that the police are carrying out extrajudicial executions and framing armed Maoist groups as the culprits are particularly worrisome. She calls on the Government to fully cooperate with her and take steps to investigate and bring to justice all perpetrators of violations of the right to life.

Nigeria

172. It has been brought to the attention of the Special Rapporteur that the death penalty in Nigeria is being used on a regular basis by military tribunals that deny defendants rights guaranteed to them by international law. Such rights include adequate legal representation and the right to appeal to a higher tribunal. Since 1996, these military tribunals of Nigeria have applied the death penalty to crimes such as treason, murder and armed robbery.

173. For an in-depth analysis of the human rights situation in the country, the Special Rapporteur refers to the most recent report submitted by the Special Rapporteur on the situation of human rights in Nigeria to the Commission on Human Rights at its fifty-fifth session (E/CN.4/1999/36).

Communications sent

174. The Special Rapporteur sent two urgent appeals to the Government of Nigeria on behalf of individuals convicted of treason and sentenced to death by a military tribunal that did not meet international human rights standards. This first communication was sent on behalf of 26 unnamed persons (19 March 1998).

175. The follow-up appeal identified Lieutenant-General D. Oladipo Diya, Major General Abdulkarim Adisa, Major General Tajudeen Olanrewaju, Major Olusegun Fadipe, Lieutenant Colonel Olu Akinyode and Bola Adebanjo as individuals facing imminent execution following their allegedly unfair convictions (30 April 1998).

176. The Special Rapporteur transmitted allegations regarding violations to the right to life on behalf of the following persons:

(a) Chidiebere Onuoha, a 17-year-old male who was executed on 31 July 1997 after being sentenced to death by a robbery and firearms tribunal that failed to meet international standards;

(b) Alhaji Shehu Musa Yar'Adua, who reportedly died on 8 December 1997 while incarcerated in Abakaliki prison. Unsanitary and life-threatening conditions are blamed for his death;

(c) Patrick Usikekpo, who reportedly died on 16 December 1997 in Uyo prison because of unsanitary conditions and lack of medical care.

Pakistan

177. The Special Rapporteur has learned that large-scale violations to the right to life are continuing to occur in Pakistan. Reports claim that many killings are committed by the police and members of armed terrorists groups, who are allegedly acting with the full support and protection of the Government. During the period under review, law enforcement officials, security forces, paramilitary rangers, intelligence agencies and police officers have all been accused of committing extrajudicial executions. Many

of the victims include members of political parties, such as the Muttahida Quami Movement, who were identified and singled out by the assailants.

178. Allegations were also received concerning the extrajudicial, summary, or arbitrary executions of women. Sources reported that women in Pakistan continued to be victims of criminal violence and were killed for harming the family's or clan's honour by choosing their own marriage partners. It was further asserted that in many cases, tribal councils held quasi-judicial trials and sentenced women to death.

Communications sent

179. The Special Rapporteur sent one urgent appeal to the Government of Pakistan on behalf of Ayub Masih, a 27-year-old Christian convicted of blasphemy and sentenced to death on 27 April 1998 (12 May 1998).

180. Concerning killings committed by law enforcement personnel, paramilitary rangers or local police, the Special Rapporteur transmitted five allegations on behalf of the following persons: Abdul Wahab, who was reportedly killed on 17 July 1998 by two gunmen who emerged from a mobile post of the paramilitary rangers; Salim Akhtar, Fakhre Alam and Syed Mohammad Nazr Ul Huda who were all reportedly killed by a police constable of Garden police station on 19 July 1998; and Mansoor Hussain, who was said to be killed on 26 August 1998 by members of the Gharibbad police station.

181. Concerning killings committed by law enforcement personnel and/or paramilitary rangers together with members of the Haqiqi group, the Special Rapporteur transmitted eight individual allegations on behalf of the following persons: Abul Qasim, Mohammad Afzal, Amanullah, Mohammed Aslam, Mohsin, Azhar Mahmoud, Mohammad Azeem and Mohammad Adil Sheikh. Furthermore, 10 unidentified persons were said to have been killed on 12 August 1998 by eight gunmen who fled in the direction of the paramilitary rangers headquarters after carrying out the executions.

182. Concerning deaths committed by members of the Haqiqi group with the supposed support and protection of the Government, the Special Rapporteur transmitted 21 individual allegations on behalf of the following persons: Syed Naveed Hasan Naqvi, Dr. Mansoor Ahmed Siddiqui, Mohammad Yusuf, Mumtaz Hussain, Zainul Abdeen, Mohammed Salim, Noor Alam, Zaheer Ahmed, Mohammad Akbar Khan, Mohammad Moeen, Mohammad Nasir, Mohammad Tahir, Zeeshan, Imran, Saeed-Ur-Rehman, Ahtisham Uddin, Shaukat, Riasat Hussain, Mohammad Jameel, Mohammad Sohail and Mohammad Ismail. The aforementioned were all killed in the area of Karachi.

Observations

183. The Special Rapporteur is alarmed at the reports of almost daily killings of people in police encounters and the lack of proper inquiry by the Government into such killings. The Special Rapporteur further regrets that the Pakistani Government has sent no replies to the allegations transmitted during 1995, 1996, 1997 or 1998.

Panama

Communications sent

184. The Special Rapporteur transmitted one allegation of the violation of the right to life to the Government of Panama on behalf of Juan Santos, allegedly killed 17 June 1997 by police officials in the town of Puente Blanco, Bocas del Toro province. Apparently, a conflict broke out in the community between local security forces and the town's inhabitants when security forces asked the local people to vacate the area of Puente Blanco. Allegedly, security forces then released tear gas and beat various members of the community. During this incident, a shot was fired which reportedly caused the death of Juan Santos.

Communications received from the Government

185. The Panamanian Government informed the Special Rapporteur that it has undertaken an investigation into the death of Cipriano García. The cause of death has been determined by autopsy, but it remains unclear who committed the killing, and as of yet, no one has been accused of this crime (3 June 1998).

186. Additionally, the Government of Panama submitted a very detailed reply to the allegations concerning the death of Juan Santos Chobra, including a video tape of the incident which led to his death and a transcript of the investigations undertaken. Although the investigation and its consequent court proceedings have not yet been completed, the Government claims that on 17 June 1997, police forces entered the town of Puente Blanco with specific orders not to engage in conflict with the indigenous populations. However, the documents report that the police encountered an already angry and armed citizenry, at which point the use of tear gas was necessary to disperse the crowd. In the middle of this confusion, officer Eduardo Espinoza fired three shots, two warning shots and a third, which hit and killed Juan Santos Chobra. Mr. Espinoza has been charged in the killing and his trial is pending. Compensation for the family of Mr. Santos is pending the results of this trial (5 October 1998).

Observations

187. The Special Rapporteur thanks the Panamanian Government for its prompt and detailed replies to her inquiries and looks forward to further details at the conclusion of the investigations.

Paraguay

Communications received from the Government

188. Regarding the allegation submitted concerning the death of Felipe Pablo Benítez, the Government responded that no official was in any way involved in his death, which resulted instead from an attempted robbery of a neighbour. The Government explained that the neighbour allegedly heard suspicious sounds at the edge of his property and shot into the night, reportedly killing

Felipe Pablo Benítez. The neighbour then fled and was later captured by the police. His trial is still in progress, and no compensation has therefore been granted to the family of Felipe Pablo Benítez (11 June 1998).

189. The Special Rapporteur also received a note from Dr. Ramona J. Bertoni Fenández upon her becoming Director General of Human Rights of the Ministry of Justice and Labour, assuring the Special Rapporteur of the high priority which the Government of Paraguay places on human rights (15 October 1998).

Peru

Communications sent

190. The Special Rapporteur transmitted three urgent appeals to the Government of Peru on behalf of the following individuals:

(a) Concerning the case of Delia Revorado, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, transmitted an urgent appeal concerning the death threats that Judge Delia Revorado reportedly received after her public announcement that she was opposed to President Fujimori seeking a third term. Because of this statement she was removed from the Constitutional Court, where she had previously ruled that a third term would be unconstitutional. According to sources, Delia Revoredo and her husband Jaime Mur fled the country, while her three children remained in Peru, where they continued to receive death threats (1 May 1998);

(b) Regarding the case of Heriberto Benítez Rivas, the Special Rapporteur, jointly with the Special Rapporteur on the independence of judges and lawyers, transmitted an urgent appeal owing to the reported death threats directed at Mr. Benítez in connection with his work as a human rights lawyer. His life and physical integrity, as well as that of his family, was feared for (13 May 1998);

(c) Sofía Macher, Executive Secretary of the National Coordination of Human Rights in Peru, who had allegedly received death threats after the organization issued a press statement supporting the call for a referendum on the issue of whether President Fujimori should be allowed to serve a third term. Supposedly, these threats came from individuals employed by the Intelligence Service (22 September 1998).

191. The Special Rapporteur also transmitted the following allegations of the violation of the right to life to the Peruvian Government:

(a) Regarding allegations of killings committed by military personnel: Fortunato Chipana Ccahuana, reportedly shot dead at his home during the early morning hours of 24 February 1997 in the area of Villa Rica, Oxampampa, Pasco, by military personnel reportedly carrying out an anti-Tupac Amaru mission; Takahiro Miyashita and Chiaki Ito, two Japanese students allegedly killed 17 October 1997 near Río Amazonas by members of the army stationed at El Pijuayal who allegedly wanted to rob them;

(b) In connection with allegations of deaths in custody: Ricardo Solano Asto, reportedly detained on 27 December 1997 and ill-treated by police officers of Chaupimarca, Cerro de Pasco, Pasco, and accused of rape. Sources stated that his body was eventually taken to hospital.

Communications received from the Government

192. The Government provided information to the Special Rapporteur on the following situations:

(a) The following persons received commutations of their death sentences on 24 December 1997: Dennis David Dávila Picon, Víctor Quispe Manuico, María Isabel Linares Farro, Jorge Canari Vasquey, Braulia Jesusa Contreras Trujillo, Moisés Leguia Damiano, Johomen Arístides Ríos Contreras, Luis Alberto Bacalla Sopla, Gerardo Barrientos Prieto, Melitón Lipa Fernández, Bernardo Tineo Huallama, César Ernesto Armas Chafo, Liborio Magdaleno Cerna Flores, Secundino Cruz Cumbay, Marcelo Demetrio de la Cruz Sandoval, Walter Luis Falla Rivera, Martín Flores Marcatoma, Segundo Todoro Guevara Quispe, Eutimio Mauro Gutiérrez Reyes, Miguel Alejandro Gutiérrez Ventocilla, Felipe Joaquín Aguirre, Adrián Julca Crisanto, Elías Julca Huaman, Avelino Apaza Machaca, Carlos Alberto Masias Chiroque, Javier Orlando Matta Alvarado, Gabriel Mondalgo Machaca, José Eduardo Montoya Rodríguez, Teodora Moreno Loloy, Lorenzo Marcial Navarro Fernández, Marina Paico Porras, Primitivo Polo Vera, Feliciano Oscar Quispe Najarro, José Alfredo Ramírez Nole, Presentación Rodríguez García, Sonia Elizabeth Rojas Prieto, Gerardo Dionicio Rosa Gutiérrez, Víctor Hugo Sáez Mayorga, Joaquín Silupu Palacios, Mirtha Baquelita Sobrado Correa, Jaime Rodrigo Solís Macedo, Lilia Esther Solís Villapuma, María Luisa Soriano Soriano, and David Máximo Sulca Pérez. The following persons received pardons of the death penalty on 24 December 1997: Dante Alberto Huaman Palomino, Félix Ernesto Agustín Cruz, Elber Felipe Ames Cueva, César Alejandro Cashpa Vargas, Jesús Norberto Chacaltana Huarçaya, Fulberto Marceliano Cuadros Sánchez and Víctor Inocente Chaicha Príncipe (6 January 1998);

(b) A 60-day state of emergency was declared on 22 May 1998 in several areas of the country, during which a certain number of constitutional rights guaranteed in the Peruvian Constitution were suspended (29 May 1998);

(c) Regarding the case of Delia Revoredo, the Government confirms that she and her husband left the country for Costa Rica as tourists on 13 April 1998 and that both can enter and leave Peru as they desire. Jaime Mur had been investigated by customs officials for possession of contraband, but he was never detained. It was for that reason that he was originally denied asylum in Costa Rica, although he was later permitted to go with his wife. The Government furthermore states that no formal complaints have been registered with the Government regarding the threats against Delia Revoredo and her family and that they are not the targets of political persecution and shall receive the full protection of the Peruvian State (31 July 1998);

(d) Concerning the case of Heriberto Benítez Rivas, the Government denies ever receiving a formal complaint concerning death threats against him. Furthermore, a government investigation into the alleged threats found them to

be baseless. The Peruvian National Police has nevertheless taken action to ensure the safety and physical integrity of Heriberto Benítez Rivas (31 July 1998);

(e) In reference to the allegations concerning Fortunato Chipana Ccahuana, Takahira Miyahita, Chiaki Ito and Ricardo Solano Asto, the Government attests that these cases have been assigned to the appropriate officials and that investigations are under way to apprehend the perpetrators, who will be given appropriate punishment regardless of their rank or position (16 September 1998);

(f) Regarding the allegations sent concerning Mariela Lucy Barreto Riofano, Nicolas Carrión Escobedo and Jorge Chávez Espinoza, the Government has provided information indicating that investigations are under way in each case. The Government promises to inform the Special Rapporteur on the outcome of all of the proceedings (17 November 1997);

(g) In response to the Special Rapporteur's inquiries regarding the 14 individuals and 2 army personnel killed on 22 April 1997 at the residence of the Japanese Ambassador, the Peruvian Government stated that the deaths resulted from the action taken by the Peruvian Government to put an end to an internationally condemned 172-day hostage situation. The action was taken in accordance with Peru's State sovereignty and resulted in the freeing of the hostages (17 November 1998).

Observations

193. The Special Rapporteur congratulates the Peruvian Government on ending its system of "faceless" judges last October; however, she remains concerned about the reports which she continues to receive regarding the widespread use of torture in prisons, which often leads to extrajudicial, summary, or arbitrary execution. She urges the Government to strengthen the legal mechanisms for prosecuting the perpetrators of torture, which is now only tried as the minor offence of "battery" in Peru. Furthermore, ensuring the independence of the judiciary and greater freedom of the press in Peru would provide additional safeguards against impunity. Finally, the Special Rapporteur thanks the Government of Peru for its detailed and timely responses to her communications.

Philippines

194. It was brought to the attention of the Special Rapporteur that since the reintroduction of the death penalty in late 1993, over 820 individuals have been sentenced to death. Many of these persons were reportedly tortured during their interrogation and several claims of unfair trials were alleged.

Communications sent

195. The Special Rapporteur sent two urgent appeals to the Government of the Philippines. One concerned the case of Leo Echegaray, a man sentenced to death in 1994 for raping his step-daughter. If his sentence is carried out, Mr. Echegaray would be the first person executed since 1976 (2 March 1998).

196. The second urgent appeal was on behalf of José Manuel Diokno, Vice-Chair of the Free Legal Assistance Group, who was still receiving death threats in connection with his representation of State witnesses in the murder case against members of the Philippine National Police. This followed a previous urgent appeal sent on his behalf on 7 February 1997 (12 May 1998).

197. The Special Rapporteur transmitted allegations regarding violations to the right to life on behalf of the following persons:

(a) Cherry Fe Bustamante, an 8-year-old girl, who was reportedly killed on 26 April 1998 when soldiers opened fire on her house on the suspicion that members of an armed dissident group were there. Accusations that the commanding officer attempted to bribe the family of the victim were also included in the report;

(b) Marlon Fernandez, said to have been arrested, tortured and killed by members of the national police on 4 September 1998. An investigation by the Commission on Human Rights contradicted official reports that claimed he had died during an armed encounter;

(c) Lito Aslag, Rey Loreno (16) and Roy Loreno (16) all allegedly killed on 19 August 1997 by soldiers while game hunting in the woods. Reports claim that the soldiers then took the bodies to a funeral home;

(d) Dario Mahomot, Roger Baihtu, Amer Darino, Aladin Oblido, Rogelio Gormez, Joel Mabiscay, Muddi Abdul Almad and Medardo Basingan, eight prisoners who died on 8 March 1998 during a hostage crisis in prison. Soldiers attempting to free the hostages reportedly used excessive force, resulting in the deaths of the aforementioned individuals.

Communications received from Government

198. The Government of the Philippines sent replies to three allegations sent by the Special Rapporteur during 1997. The first reply concerned the case of the Suminao Clan in Kalagumayan, and specifically Benjie Abao, Undo Gulmba and Juvy Mepana, three men who allegedly died during the demolition of their settlements by the "blue guards" of the Baula family. The Government refuted allegations that the disputed land was the group's sole means of subsistence and claimed that the three men were involved in an attack against the police who were supervising demolition of the houses on the contested property. The Government further asserted that the police officers who committed the killings were wounded in the back and legs. It also informed the Special Rapporteur that despite the group's defiance of court orders, the Government continues to attend to their claim within all legal parameters (4 February 1998).

199. The Government replied to the follow up letter sent by the Special Rapporteur concerning the case of Gary Dalayhon, a 16-year-old who was allegedly killed by three members of the police. An investigation into the matter led to the arrest of three police officers who have now been charged with the murder. The trial was proceeding as at the date of correspondence (6 February 1998).

200. The third reply was in response to the Special Rapporteur's request to be informed of the developments in the Kuratong Baleleng case. The communication detailed the procedural developments as well as the legal arguments and strategies that are developing. The Government also affirmed its guarantees of both the rights of the accusers and the accused, and pointed to the right to exhaust all legal remedies as the reason for delays in the trial (3 March 1998).

Observations

201. The Special Rapporteur commends the Government for fully cooperating with and replying to the communications sent. She remains disturbed, however, with the possible resurgence of executions in the country and views this regressive trend with concern.

Republic of Korea

Communications sent

202. The Special Rapporteur sent allegations regarding the violation of the right to life of Bong-Hae Yi, who reportedly died on 9 December 1997 as a result of torture after having been arrested by police eight days earlier. Bong-Hae Yi was pronounced dead upon arrival at the Dealim Saint Mary's hospital after being transferred there from Seoul Youngdeungpo detention centre. Sources stated that the autopsy report confirmed the cause of death as cardiac arrest and found 16 areas of internal bleeding, bruises and scars on various areas of his body. Moreover, it was claimed that the examining doctor concluded that the bruises and internal bleeding had been inflicted a few days earlier.

Russian Federation

203. The Special Rapporteur was informed that since becoming a member of the Council of Europe on 28 February 1996, many people have been sentenced to death and an unknown number of people have been executed. Furthermore, judicial errors were said to have been made in a large percentage of the death penalty cases. Allegations were also received concerning deaths of Russian military personnel who were subjected to torture and other forms of ill-treatment.

Observations

204. The Special Rapporteur was very pleased to be informed that the death penalty would be abolished by April 1999 in accordance with the country's obligations under the Council of Europe. In this spirit, she calls on the Government to implement a de facto moratorium on the application and implementation of the death penalty as well as the carrying out of executions.

Rwanda

205. The sheer quantity of allegations and individuals on whose behalf they are sent continues to be of great concern to the Special Rapporteur. During the period under review, massacres of refugees and civilians have accounted

for thousands of reported deaths. Most communications identified the Rwandese Patriotic Army as the perpetrators; however, armed militia groups, the Interahamwe militia and former Hutu army soldiers have also been blamed. Furthermore, it has been alleged that trials being conducted for genocidal crimes in which the death penalty is the primary punishment continue to deny the accused rights ensured and protected by international law. This includes, but is not limited to, the right to legal representation, the right to appeal, and other safeguards such as the presumption of innocence and an independent judicial tribunal.

206. For an in-depth analysis of the human rights situation in the country, the Special Rapporteur refers to the most recent report submitted by the Special Rapporteur on the situation of human rights in Rwanda to the Commission on Human Rights (E/CN.4/1999/33)

Communications sent

207. The Special Rapporteur sent three urgent appeals to the Government of Rwanda. The first was sent on behalf of Mfizi Muhirwa, Isidore Bishogo, Ernest Gakire and Kami Mutangana, four soldiers in the Rwandese Patriotic Army (RPA) who were said to be in imminent threat of extrajudicial execution. This urgent appeal followed the reported execution of Emmanuel Rutayisire, another RPA soldier ordered to be put to death by local military authorities (13 February 1998).

208. The next urgent appeal was sent following two occurrences: the remarks by the Vice-President of Rwanda advocating the execution of those involved in genocide and reports claiming that of the 325 genocide trails held after December 1996, 112 had resulted in the death penalty, of which 13 were confirmed by the Court of Appeals. These trials allegedly failed to meet international standards such as the right to legal counsel, the presumption of innocence and the right to appeal. The appeal was sent jointly with the Special Rapporteur on the independence of judges and lawyers (23 February 1998).

209. The final urgent action was sent on behalf of 33 people who were convicted of participating in the genocide of 1994. Reports indicated that they were sentenced to death after unfair trials in which there was witness-tampering, intimidation, and the denial of legal representation. According to sources, this group included Silas Munyagishali and Froduald Karamira. They were reportedly scheduled to be executed on 24 April 1998 (23 April 1998).

210. Concerning violations to the right to life reportedly carried out by members of the Rwandese Patriotic Army, the Special Rapporteur transmitted allegations regarding violations on behalf of the following persons:

(a) Bagabo and Kaje, who were among 156 people allegedly killed on 8 June 1997; seven unidentified family members of Pierre Rwanzegushira and five children of Martin Semanganya on 3 October 1997; Glyceria, Euphrasie (17), Musabyimana and her unborn child, Straton (10), Nkiriyehe (12) and Gaspard on 30 October 1997; Claudine, Nyirahabineza, Mukamana, Fortunée, Drocella, Nyiramanzi, Mukarusagara, Françoise, Vestine, Mukamuhire, Stéphanie,

Liberata, Mukabalinda and 137 other unidentified individuals on 9 November 1997; Anastasie Nyiramajyambere, Nyirandayisaba, Gilbert Nkurunziza, Nkubito, Nyiranzage, Mwiseneza, Kantukimana and three other unidentified persons on 11 and 12 November 1997; Twizerimana, Ndegeyingoma, Helene (3), Agnes Nyirasafari, Epaphrodite Munyentwali, Jeanne Mujawamariya, Gratia Uwamahoro, Alfred Dukundane, Ephrem Karasira, Rukeribuga, Thadée Munyentwali and 288 other individuals on 16 November 1997; Bendantunguka, Bahizi, Sembagare and Kimonyo on 6 January 1998; Jaffet Kanyarwunga, Sifora, Marthe, Kayihura, Ndahayo (14), [illegible]stine Mukabarera and 54 other unidentified persons on 13 January 1998; Gasyomvonoage (15), Ringira (13), Birategetse, Anastasie and Jules (17) in April 1998; Rubyeyi, Bayazana Tamari, Bagirurwimo, Uwamahoro (9) and 146 other unidentified individuals on 12 May 1998; Sebazungu and 29 others on 5 January 1998; Wenceslas, Joseph Twagiramungu, Emmanuel Rutikanda, Thérèse Mujawayezu, Frida Mukamwezi, Angeline Ndavakure, Alphonse Mihigo, Philomène Murekatete, Dismas Sinumyavo, Cécile, Vincent, Vianney, Florida, Dative Uwimana, Pélagie Uwamahoro, Consolée Mukamuhire, Illuminata, Béata, Speiedion Ndimubanzi, Jean, Margarita, Ignace, Thérèse, Janvier, Jean-Damascène, Théogène, Kigingi, Pierre, Edouard, Nyiramuha, Innocentia, Maria, Magdalene Nyirangaruye, Midari, Mushamburere, Regina, Godefroid, Astérie, and 200 other unidentifed persons on 11 January 1998.

Observations

211. The Special Rapporteur regrets that she has received no communications from the Government of Rwanda in the past two years.

Saudi Arabia

212. The Special Rapporteur was informed that over 120 people, including more than 60 foreign nationals, were executed in 1997. Further allegations were received claiming secret trials resulting in the death penalty that failed to meet international standards. It was brought to the attention of the Special Rapporteur that defendants are still being denied legal representation, adequate appeals processes, and information related to their rights under international law.

Observations

213. The Special Rapporteur remains very concerned about the allegations of trials resulting in the death penalty that do not meet international standards. Reported executions continue to be received involving foreign nationals whose families or embassies knew nothing of the convictions and which are in complete defiance of international law. The Special Rapporteur calls on the Government to ensure that defendants in every capital case are entitled to all safeguards established by law. Additionally, the restrictions currently placed on civil society create an environment in which information is difficult to obtain and impunity is more easily perpetrated. The Special Rapporteur urges the Government to rectify this situation.

Senegal

214. The human rights situation in the Casamance region of Senegal continues to be a cause of concern, especially in the context of the violations of the right to life that take place owing to the conflict between Senegalese security forces and the armed independence group known as the MFDC (Mouvement des forces démocratiques de Casamance). According to sources, incidents occur on both sides of this conflict where civilians are killed extrajudicially. Allegedly, civilians have been arrested by the Senegalese army and police forces, have disappeared, and are later discovered to have died. The Government has reportedly yet to carry out thorough investigations into these incidents.

Information and communications sent to the Government

215. The Special Rapporteur drew the attention of the Senegalese Government to the allegations she had received concerning the extrajudicial, summary or arbitrary execution of the following two people: Alphonse Diatta, also known as Reagan, allegedly killed on 12 July 1997 at a roadblock outside the city of Ziguinchor by members of the Senegalese military when he failed to stop at the checkpoint; and Sarani Manga Badian, leader of the MFDC, who reportedly died while in custody of Senegalese soldiers after being arrested and tortured between 24 and 28 August 1997.

Sierra Leone

216. Numerous allegations were received by the Special Rapporteur concerning extrajudicial, summary or arbitrary executions committed by armed insurgent groups within the country. Several thousand people have reportedly been killed including innocent women and children. The Special Rapporteur was also informed of death sentences issued by military courts that fail to offer defendants the right to appeal. Many of these cases reportedly involved soldiers accused of participating in the former military regime and convicted of treason. Dozens of executions of political opponents were also reported during the period under review.

Communications sent

217. The Special Rapporteur transmitted two urgent appeals together with the Special Rapporteur on the independence of judges and lawyers on behalf of 34 individuals reportedly sentenced to death by a court-martial acting since 23 July 1997. All were said to be convicted of capital offences related to treason and the atrocities committed by the military junta that was in power from May 1997 to March 1998. The Special Rapporteur was informed that the court-martial violates international human rights law by not providing any right to appeal (15 October 1998, 9 October 1998).

Requested visit

218. The Special Rapporteur requested an invitation to visit Sierra Leone in order to better assess the human rights situation of the country regarding her

mandate. Continued reports of extrajudicial, summary or arbitrary executions have been received as well as allegations that the death penalty is being applied in a manner inconsistent with international law. An in situ visit would enable the Special Rapporteur to better evaluate the situation and reach an independent assessment of the reports and allegations (29 September 1998).

Observations

219. The Special Rapporteur is sensitive to the needs of the Government to bring those individuals responsible for the atrocities committed during the military junta to justice but calls on the authorities to do so in a manner consistent with international law. The Special Rapporteur is dismayed to note that the human rights situation in Sierra Leone appears to be deteriorating again after a brief period of improvement She is, however, pleased that Sierra Leone is a signatory to the International Covenant on Civil and Political Rights and the Optional Protocol thereto and reminds the Government that with this comes the responsibility to ensure all the rights protected therein. One of these rights is the right to appeal a capital sentence imposed by any tribunals.

Singapore

Communications sent

220. The Special Rapporteur sent one urgent appeal to the Government on behalf of Asogan Ramest and Selvar Kumar. These two individuals were sentenced to death for murder along with a third person who was granted clemency by the President of Singapore. The Special Rapporteur requested that the Government refrain from carrying out their executions and consider granting them clemency as well (27 May 1998).

Communications received from Government

221. The Government responded to the Special Rapporteur's urgent appeal sent on 27 May 1998. The Government maintained that both Asogan Ramesh and Selvar Kumar were given full recourse to all legal processes and protection under Singapore law. Contained in this communication was a detailed account of their case as well as the decisions and findings of the trial court and Court of Appeals. It was asserted that both defendants were accorded legal assistance at all stages, a fair and open trial, the right to appeal, and the right to seek clemency (11 June 1998).

Spain

Communications received from Government

222. The Government of Spain provided the Special Rapporteur with very lengthy reports detailing the investigation into the deaths of Salvador Gaztelumendi Gil and José Miguel Bustinza Yurrebaso (no date).

Sri Lanka

223. The Special Rapporteur was informed of the continuing conflict between governmental forces and members of armed insurgent groups such as the Liberation Tigers of Tamil Eelam and the consequent violations of the right to life. Reports continued to be received alleging indiscriminate killings of innocent civilians and non-combatants by both the Government and opposition groups. Army personnel and other members of the Sri Lankan military are constantly being blamed for the massacre of hundreds of Tamil civilians. These reported deaths are said to result from governmental air strikes on civilian targets as well as deliberate killings by military and police personnel. It was further asserted that police and military personnel have killed large numbers of innocent civilians in retaliation for acts committed by isolated armed groups.

224. Information regarding the application and use of the death penalty was also received during the period under review. Sources claimed that under current Sri Lankan legislation, crimes which are not considered most serious, such as drug-related offences and property crimes, are still punishable by death.

Communications sent

225. The Special Rapporteur sent one urgent appeal to the Government of Sri Lanka, on behalf of Iqbal Athas, a journalist for the Colombo Times who was reporting on corruption in the security forces. He had apparently received death threats from five gunmen suspected to be connected with the security forces (20 February 1998).

226. The Special Rapporteur transmitted allegations regarding violations to the right to life on behalf of the following persons:

(a) Koneswary Murugesupillai, a 35-year-old woman who was reportedly raped and then killed in front of her son on 17 May 1997 by members of the Sri Lankan police force in Batticaloa;

(b) Thankanayaki, a 49-year-old woman, was also said to have been raped and killed by a group of Sri Lankan police in Amparai on 15 October 1997;

(c) Maruthalingam Tharmalingam, Shanmugarajah Sivanesan and Sharip Jehan, three prisoners who apparently died on 12 December 1997 after being attacked in Katutara prison by other prisoners. Prison officials and prison guards were accused of acquiescing to and assisting in the attack;

(d) Seevaratnam Sivarasa, said to have died on 31 October 1997 after being detained and tortured in the Mount Lacinia police station. He was apparently taken to hospital by the police on 30 October;

(e) Reverend Arulpalan, Francis Miranda Joseph and his 17-year-old son Joseph Surendiran all reportedly died on 25 August 1997 after being arrested

by Sri Lankan armed forces. A complaint was reportedly filed and the Sri Lankan authorities failed to respond. The bodies were found with gunshot and stab wounds on 9 September 1997;

(f) Amirthalingam Surenthran (13), Amirthalingam Jagendram (17), and six other unidentified persons who were reportedly arrested by police officers, taken to the police post and killed on 1 February 1998. Sources also claimed that the police officers appeared to be drunk at the time;

(g) Thesingarasa Thangamani, Thesingarasa Vasanthakumari (17), Nadarajah Pushpamalar, Nadarajah Gajan (4), Ponnuthurai Annamalar, Thurairatnam Parameswary and three other unidentified persons who were apparently killed on 15 August 1997 when two Sri Lankan air force planes bombed a Catholic church in Vavunikulam. In a similar incident on 20 November 1997, Pararajasingam Karunamoorthy, Selvarasa and Jeyarooban died in the area of Poonakary;

(h) Chandrawathy, Appukuddy Balachandran and Kandasamy, who all reportedly died from indiscriminate firing by Sri Lankan security forces in the Mankulam area on 8 July 1997;

(i) Antony Kanapathy, Raman, Ketharani and Umashankar (14), who all reportedly died on 17 July 1997 during an army raid on the hospital at Akkarayan.

Observations

227. The reports by the Truth Commissions published earlier this year were looked upon highly by the Special Rapporteur. This was viewed as a significant step for the country in improving its human rights status, especially dealing with extrajudicial, summary, and arbitrary executions. The Special Rapporteur calls on the Government to follow up on the recommendations of the Commissions without undue delay. This includes ensuring that forensic experts are given adequate access and security in investigations into the alleged mass graves in Chemmani. The Special Rapporteur believes it is essential for the Human Rights Commission to be strengthened and fully supported by the Government in order to effectively remedy the current human rights situation.

228. The Special Rapporteur compliments the Government of Sri Lanka for containing the regional violence within the country. However, she calls upon the civil and military authorities to continue the quelling of armed conflict in strict adherence to international law. With respect to allegations that unofficial armed groups within the country are being supported by the Government, the Special Rapporteur encourages the Government to re-establish State authority over such groups in order to protect against continued extrajudicial, summary and arbitrary executions.

Sudan

229. The Special Rapporteur continued to receive reports of extrajudicial, summary or arbitrary executions resulting from armed conflicts between members of the armed forces and armed insurgent groups within the country. She was

also informed that Sudanese authorities supported armed opposition groups in other countries that are allegedly responsible for gross human rights abuses including summary executions.

Communications sent

230. The Special Rapporteur transmitted one urgent appeal together with the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on violence against women to the Government on behalf of four women reportedly sentenced to death for prostitution. They were allegedly convicted and given the death penalty in accordance with the 1983 Criminal Act which provides for the death penalty in cases of third-time offenders (8 December 1997).

231. The Special Rapporteur also sent an allegation to the Government on behalf of 129 unidentified individuals allegedly forcibly recruited to undergo military training. They were reportedly shot at after requesting leave in order to celebrate the holidays of Kurban Byrum with their families and 74 of these young persons were said to have been killed. Fifty-five other individuals who attempted to flee by boat reportedly drowned after the boat was sunk by officers. Twelve bodies were apparently turned over to the families of the victims and the other bodies were said to have been buried in secret mass graves in Khartoum, while 117 persons had allegedly not been accounted for.

Tajikistan

Communications sent

232. The Special Rapporteur transmitted one urgent appeal to the Government on behalf of Abdulkhafiz Abdullayev and five other men who were reportedly sentenced to death for treason, banditry and terrorism. Sources claimed that the men were denied the right to appeal and that Abdulkhafiz Abdullayev was being denied adequate medical attention while being detained (21 April 1998).

Thailand

233. During the period under review, the Special Rapporteur received information concerning the high rate of violations of the right to life in the border areas of Thailand. According to sources, the persons killed in these areas were often refugees, including women and children.

Communications sent

234. The Special Rapporteur transmitted allegations of the violation of the right to life to the Government of Thailand on behalf of Sarain (13), Kmao (a minor) and Rith (12). All three were allegedly shot near the Thailand-Cambodian border in the Aranyaprathet district by members of Thai security forces. They were reportedly trying to cross the border with four adults and one other minor.

Communications received from the Government

235. The Government of Thailand informed the Special Rapporteur that it had carried out an investigation into the case of the deaths of the three minors Sarain, Kmao and Rith, shot near the Cambodian border, and had already transmitted the results of the inquiry to the Representative of the Secretary-General on the situation of human rights in Cambodia. The Government stated that the three youths were persuaded by Cambodian bandits to help them in a robbery. During the escape, this group was discovered by a patrol from Thailand and they opened fire on the patrol, which returned the fire. As the incident took place at night, it was impossible to determine the age of the people involved (2 November 1998).

Observations

236. The Special Rapporteur thanks the Government of Thailand for its prompt reply to her communication. She is dismayed, however, at the information she has received which indicates that the death penalty remains legal in Thailand for drug trafficking, which by international standards is not considered to be a "most serious offence".

Trinidad and Tobago

Communications sent

237. The Special Rapporteur sent one urgent appeal to the Government on behalf of Indravani Pamela Ramjattan, reportedly sentenced to death in May 1995 for killing her husband. According to sources, she suffered from extreme violence during her marriage, including repeated beatings and rapes. This situation was apparently not brought out by her attorney during her trial and consequently was not considered a mitigating circumstance. Furthermore, sources also claimed that Ms. Ramjattan was held in prison for a year without access to a lawyer and was not allowed to see her children for the first seven years of her incarceration (29 September 1998).

Observations

238. The Special Rapporteur is very concerned about reports and allegations that the Government has begun taking steps to accelerate executions by speeding up the domestic legal process in capital cases and by enforcing strict time limits on applications for redress under international law. Also worrisome are its apparent attempts to remove the jurisdiction of international human rights bodies to hear complaints in death penalty cases.

Tunisia

Communications received from the Government

239. The Government informed the Special Rapporteur that Mabrouk Zran, who died in custody on 5 May 1997, died of natural causes. In its reply the Government asserted that he had suffered from chronic diabetes, cardiac problems, high blood pressure and tuberculosis, all of which had a documented history of at least 10 years. He was allegedly given special medical

attention in prison because of these conditions, and was transferred to a hospital to undergo surgery for gangrene, in which he had his left leg amputated below the knee. The Government held that Mabrouk Zran was allowed daily visits from his family because of his condition and was finally hospitalized again on 30 December 1996, where he remained until his death. The tribunal of first instance in Tunis, after investigation into the matter, decided that the case could be closed (6 November 1997).

Turkey

Communications sent

240. The Special Rapporteur sent an urgent appeal on behalf of Akin Birdal, President of the Human Rights Association of Turkey, who was reportedly shot by persons related to the State security services. The life and physical integrity of Mr. Birdal was reportedly being threatened and the Special Rapporteur called on the Government to guarantee his safety (15 May 1998).

Communications received

241. The Government continued to send thorough replies to the Special Rapporteur concerning the allegations transmitted. In one communication, the Government informed the Special Rapporteur of the situation in the country relating to terrorist groups such as the PKK. It detailed the aims and objectives of the identified terrorist group and attached a news clipping to further elucidate its concerns (1 October 1997).

242. Concerning the follow-up letter of the Special Rapporteur on behalf of Eyup Karabey and Mahir Karabey, the Government explained that an investigation into the matter was made and the police found that the two men had been abducted and killed. The Government stated that the two men were not taken into police custody but rather had fled from the PKK. Concerning the case of Eyup Tahir Ozer and Ali Cetinkaya, the Government stated that they had not been taken into custody by the Siirt Police Department (13 November 1997).

243. The Government provided the Special Rapporteur with a detailed description of the circular instructions issued by the Prime Minister's Office on "The Respect for Human Rights and the Prevention of Torture and Ill-Treatment". This circular spelled out the procedural and substantive changes that should be implemented by the Turkish authorities during detention of suspected criminals. It covered informing the accused of all legal rights once in custody; registering the detention, transfer and release of prisoners; and the drafting of medical reports for any person kept in police custody (19 December 1997).

244. The Government provided a further reply to the case of Eyup Karabey and Mahir Karabey and explained that the perpetrators had yet to be identified. Regarding the case of Hanifi Gurcan, the Government explained that the investigation into the case found that no incident leading to his alleged murder had been registered. Concerning the case of Eyup Tahir Ozer and Ali Cetinkaya, it was asserted that an investigation into their deaths began after autopsies concluded they had been shot. The perpetrators had not been

identified to date. In regard to the case of Yavuz Gulden, an investigation revealed no incident had taken place to give rise to the allegations (16 February 1998).

245. The Government sent the Special Rapporteur an unofficial English translation of the new "Regulation on Apprehension, Police Custody, and Interrogation" which entered into force on 1 October 1998. It spelled out the changes and expected improvements to this legislation (21 October 1998).

Requested visit

246. The Special Rapporteur sent a communication to the Government expressing her interest in visiting the country. Repeating the request made by her predecessor, she reiterated the importance of a visit to the country and explained that it would better enable her to assess the incoming reports and allegations of violations of the right to life (29 September 1998).

247. The Government informed the Special Rapporteur that the authorities had accepted her request to visit the country. However, because of the recent visits of the Working Group on Enforced or Involuntary Disappearances and the Special Rapporteur on the question of torture, it intended to work on her request within the next year (20 October 1998).

Turkmenistan

Communications sent

248. Two urgent appeals were transmitted to the Government of Turkmenistan during 1998. The first was a follow-up appeal on behalf of Gulgeldy Annaniyazov, who was reportedly imprisoned after an anti-Government demonstration on 12 July 1995. The Special Rapporteur sent this appeal after being informed that one of Mr. Annaniyazov's co-defendants had died in custody after severe beatings. Reports claim that Mr. Annaniyazov remains detained in a maximum security prison alongside violent criminals who continue to physically assault him. The Special Rapporteur has still not received any replies from the Government concerning the urgent appeals sent on behalf of this man (15 January 1998).

249. The Special Rapporteur sent a second urgent appeal concerning the trials and death sentences of Andrey Voronin and Kamal Nepesov. The two were allegedly convicted after trials that reportedly failed to meet international standards and appeals processes that were perfunctory in their application. The two men were reportedly denied access to a lawyer for one month after their arrest, during which time they were allegedly forced to sign confessions under physical and psychological duress (30 April 1998).

United Kingdom of Great Britain and Northern Ireland

Communications sent

250. The Special Rapporteur sent allegations regarding the violation of the right to life on behalf of the following individuals:

(a) Robert Hamill, reportedly killed on 27 April 1998 in Portadown, Northern Ireland after having been attacked by a group of Loyalists. It has been claimed that four officers of the Royal Ulster Constabulary sat nearby and made no attempt to assist Mr. Hamill. Furthermore, reports claim that none of the police officers were suspended and all charges have been dropped against the suspects;

(b) Ibrahima Sey, a Gambian asylum seeker who reportedly died on 16 March 1996 after having been taken into custody by Forest Gate police officers. A police statement claimed that he became ill upon arriving at the station and was transferred to a hospital, where he died. Sources claim that the CS Incapacitant Spray that was used on Ibrahim Sey might have been the cause of death;

(c) Diarmuid O'Neill, reportedly shot and killed on 23 September 1996 by British police officers during a raid against the IRA. Police stated that he died in a shoot-out; however, sources claim that he was unarmed and no weapons were discovered in the house.

Communications received from the Government

251. The Government transmitted replies to the inquiries of the Special Rapporteur contained in the 15 October 1997 communication. The information and the relevant cases included the following:

(a) Concerning the case of Shiji Lapite, the Government explained that the Police Complaints Authority (PCA) decided that no internal charges should be brought against any officer following an inquest verdict of unlawful killing and the Director of Public Prosecution's (DPP) decision that no criminal proceedings should be brought. Both the PCA and the DPP have agreed to review their decisions following a judicial review of the matter;

(b) Relevant to the John O'Reilly case, the Government stated that the second inquest, held from 18 February to 3 March 1997, resulted in an open verdict being returned by the jury. At the time of receipt, the PCA were currently considering whether any disciplinary action should be taken against any of the police officers concerned;

(c) Concerning the case of Dennis Stevens, the Government explained that the inquest into his death began on 14 October 1997 and was adjourned on 14 November in order for counsel of the family to file an application for judicial review. On 20 November, a hearing was held and leave was not granted. It was made known that the family intends to apply to the Court of Appeal and the inquest stands adjourned;

(d) Regarding the case of Kenneth Severin, the Government stated that the inquest into his death resulted in an open verdict by the jury. Subsequently, the coroner made a number of recommendations to the Prison Service;

(e) Concerning the case of Alton Manning, the Government explained that the inquest into his death was scheduled to commence on 12 January 1998;

(f) Concerning the case of Richard O'Brien, the Government informed the Special Rapporteur that DPP decided that there was insufficient evidence to bring criminal charges against any of the police officers;

(g) Concerning the case of Wayne Douglas, the Government explained that the inquest resulted in a verdict of accidental death and the coroner made recommendations to the police about the effects of restraint. The application by the family of Mr. Douglas was heard on 23 July 1997 but was unsuccessful;

(h) Concerning the case of Leon Patterson, the Government explained that a new inquest took place from 4 to 25 November 1996 and a verdict of misadventure to which neglect contributed was returned. The PCA decided there was insufficient evidence to bring any disciplinary charges against any officer.

252. The Government also informed the Special Rapporteur that in light of the September 1995 judgement by the European Court of Human Rights on the killings of Mairead Farrell, Daniel McCann and Sean Savage, the Government held that no action was required beyond the payment of costs. Furthermore, it stated that the Court had found no breach of the Convention and the Committee of Ministers of the Council of Europe adopted a resolution stating that the United Kingdom has implemented the judgement of the Court (12 January 1998).

Observations

253. The Special Rapporteur would like to thank the Government for its detailed replies to the allegations transmitted. She also welcomes the movement by the Government to abolish the death penalty under military law by the year 2001. Furthermore, the Special Rapporteur was pleased with the revision of the Criminal Justice Bill that effectively removes the crimes of treason and piracy from the list of capital crimes. All these efforts are seen as a testimony to the Goverment's will to curb human rights violations and the Special Rapporteur looks forward to continued cooperation with the Government of the United Kingdom.

United States of America

254. The Special Rapporteur was informed that executions in the United States during 1997 amounted to the highest annual judicial death toll in four decades. Sources reported that 74 people were executed in 17 states, including mentally-ill or mentally-handicapped persons and foreign nationals whose rights to consular assistance had been violated. Allegations were also received claiming that many of those on death row were sentenced after trials in which they did not receive adequate legal representation.

Communications sent

255. Several urgent appeals were transmitted to the Government on behalf of persons who were facing execution. The individuals on whose behalf they were sent include the following:

(a) Robert Smith, reportedly scheduled to be executed on 29 January 1998 and who allegedly failed to appeal his death sentence (15 January 1998);

(b) Karla Fay Tucker, upon whose behalf the Special Rapporteur sent three urgent appeals addressed to the Governor of Texas, the Texas Board of Pardons and Paroles, and the Secretary of State. Ms. Tucker was scheduled to be executed on 3 February 1998 and was the first women in 15 years to be executed in the United States (28 January 1998);

(c) Wilfred Berry, reportedly scheduled to be executed on 3 March 1998 and who apparently requested to be sentenced to death and withdrew his legal appeals. Although he was twice diagnosed with schizophrenia, the court found Wilfred Berry mentally competent to waive his legal appeals (27 February 1998);

(d) Joseph John Cannon, reportedly scheduled to be executed on 22 April 1998 for a crime he allegedly committed at the age of 17 (2 March 1998);

(e) Napoleon Beazley, reportedly sentenced to death for a murder that he committed at the age of 17 (28 May 1998);

(f) Anthony Porter, reportedly scheduled to be executed on 23 September 1998. He was convicted of murdering two people and, based on Intelligence Quotient results, is said to be the most severely mentally retarded person executed in the United States since 1977 (21 September 1998).

Communications received from the Government

256. The Government replied to all of the Special Rapporteur's transmissions during the period under review. In its replies, the Government detailed the legal safeguards ensured to defendants in criminal cases and specifically cases in which the death penalty applies. The Government also assured the Special Rapporteur that her inquiries would be sent to the appropriate authorities of the state concerned. This type of reply was sent in response to allegations concerning the following individuals: Robert Smith (23 January 1998), Karla Fay Tucker (6 February 1998), Napoleon Beazley (3 June 1998) and Anthony Porter. Furthermore, in the case of Anthony Porter, the Government informed the Special Rapporteur that a mental competency hearing would take place before 2 November 1998 (13 October 1998).

Observations

257. The Special Rapporteur's concerns as they relate to the United States are limited to issues pertaining to the death penalty. The increasing use of the death penalty is a matter of serious concern and particularly worrisome are the continued executions of mentally-ill and mentally-handicapped persons as well as foreigners who were denied their international right to consular assistance. The Special Rapporteur views the persistent application of the death penalty and subsequent executions of persons who committed crimes as minors as a very serious and disturbing practice that inherently conflicts with the prevailing international consensus.

Venezuela

258. The Special Rapporteur received several allegations of human rights violations in Venezuela for the period under review, including allegations of the violation of the right to life. The majority of these violations concerned the extrajudicial killings of minors by members of police forces. Information was also received by the Special Rapporteur which indicated that conditions and practices within Venezuelan prisons often lead to the torture or killing of inmates.

Communications sent

259. During the period under review the Special Rapporteur transmitted two urgent appeals to the Venezuelan Government on behalf of the following persons:

(a) Sisco Torbello Cordero and his wife Zulay Villegas Díaz, allegedly threatened with death by members of the Technical Judicial Police in Barquisimeto, in the State of Lara. Sisco Torbello Cordero, a member of the Cuban Friendship House, was detained on charges of robbery on 20 March 1998 and held incommunicado until 23 March, when he was allowed to see his wife and lawyer. During that time he was reportedly beaten, questioned about his political activities and threatened with death. Zulay Villegas Díaz was also allegedly threatened with death on 25 March 1998 if she reported her treatment to a higher authority. Sisco Torbello Cordero allegedly continued to be held by police with no charges brought against him (3 April 1998);

(b) The family of Freddy Díaz (18), allegedly threatened by members of the Sucre municipal police force after the reported shooting death of the youth in July 1998 by a member of the force. After the incident, the entire family was allegedly detained by police for 24 hours and threatened if they reported the shooting. Despite the threats, the mother of Freddy Díaz, Yolima Rangel, did file a complaint. Since that time the family, especially Yolima Rangel, Ali Eduardo Sojo (14), Katiuska Sojo and Flor Díaz, has reportedly been harassed by police officials, who drive by their home constantly. It was also reported that the judicial body charged with the investigation of the case has delayed the court proceedings against the policeman accused of the shooting (16 October 1998).

260. The Special Rapporteur also sent two allegations of violations of the right to life to the Government concerning:

(a) Jonathan Caceres Herrera (13), reportedly shot dead on 7 May 1996 in Caracas by a member of the city's police force. It is alleged that the officer simply shot at the deceased as he was walking with two friends, with no prior warning or instigation. It is alleged that the police officer is still engaged in active police duty;

(b) Simon Álvarez (14), reportedly shot dead on 4 May 1996 in Puerto de la Cruz by a member of the state police force. Allegedly, Simon Álvarez was with some friends when members of the police force approached and asked the youths for identification. As the deceased was looking for his

identification in his pocket, a police officer allegedly aimed for his thoracic region and shot, killing him immediately. To date no one has been detained for the death of this minor.

Communications received from the Government

261. Concerning the case of the alleged death threats against Sisco Torbello Cordero and his wife, Zulay Villegas Díaz, transmitted to the Venezuelan Government on 4 April 1998, the Government affirmed that Sisco Torbello Cordero was indeed detained by police for an alleged robbery. However, the Government denies that he was ever mistreated or questioned regarding his political activities; on the contrary, the Government contests that it was especially conscientious regarding his health. The Government also denies all knowledge of death threats made against Zulay Villegas Díaz. The Special Rapporteur was informed that the legal proceedings against Sisco Torbello Cordero are still progressing and he remains in State custody (13 May 1998).

262. Regarding the cases of Jonathan Caceres Herrera and Simon Álvarez, the Government submitted a communication detailing the legal proceedings currently taking place against the accused perpetrators of the killings of the boys. On 9 February 1998 Eddy Velázquez Bravo was detained on charges of intentional homicide and inappropriate use of a firearm against Jonathan Caceres Herrera, while the investigation against Jairo Elias Rodríguez remains open before the Sixth Court of First Instance. Concerning Simon Álvarez's case, the Government provided information indicating that Jesús Antonio Cisnero Cordero of the Metropolitan Police has been implicated in the killing and was convicted of homicide and inappropriate use of a firearm. His case is currently in the appeals process.

Observations

263. The Special Rapporteur would like to extend her appreciation to the Government of Venezuela for its cooperation, as demonstrated by its prompt replies to her communications. She remains preoccupied, however, by the vulnerability of minors in the country. The recent reports she has received regarding the harsh conditions in Venezuela's prisons are also a matter of concern, as such circumstances often lead to the extrajudicial, summary or arbitrary deaths of those in custody.

Yugoslavia

Information received and communications sent

264. One urgent appeal was sent on 6 March 1998 to the Government on behalf of 25 ethnic Albanians who were reportedly killed by members of the police. This attack was apparently in retaliation for the deaths of two police officers by the Kosovo Liberation Army. Reports claim that many of those killed were unarmed and did not offer any resistance to the police.

265. The Special Rapporteur transmitted allegations regarding violations to the right to life on behalf of the following individuals:

(a) Imer Hamzaj, Ibrahim Hamzaj, Dervish Hamzaj, Bashkim Hamzaj, Zeqe Hamzaj, Gani Hamzaj, Rifat Hamzaj and Haxhi Goga, allegedly killed by members of the police force on 25 May 1998. Their deaths reportedly occurred after police entered the village of Ljubenic, searched the house and ordered the above-mentioned men, along with women and children, out of the house. After directing the women and children to flee, the police reportedly ordered the men to run away, at which point they shot them;

(b) Cen Dugolli, said to have been arrested on 21 June 1998 on suspicion of terrorism. He reportedly died on 17 August 1998 in a hospital in Pristina one day after police authorities transferred him there;

(c) Rexhep Bislimi, a human rights activist who reportedly died on 21 July 1998 in a hospital in Pristina. He was said to have been arrested on 6 July 1998 and transferred two weeks later to the intensive care unit of the hospital with broken ribs and severe bruising. He apparently died despite surgery on his kidneys;

(d) Sheh Muhedin Shehu, reportedly killed on 21 July 1998 by Serbian police in the Tekke where he lived;

(e) Besnik Muharrem Restelica, allegedly arrested under the pretext of being a member of the Kosovo Liberation Army on 30 January 1997. The police claimed he committed suicide; however, photos of the body reportedly indicate bruises and other evidence of torture. The death of Besnik Muharren Restelica was reported to his father on 22 February 1998;

(f) Jonus Zeneli, indicted on charges of terrorism on 30 April 1997. Shortly before the trial began, he was reportedly transferred to the prison hospital on account of kidney pain attributed to torture. A certificate was issued by the hospital claiming that his death was due to lung cancer; however, pictures reportedly indicate evidence of torture and ill treatment;

(g) Ahmet Ahmeti, Gani Ahmeti, Eljmi Ahmeti, Driton Ahmeti, Naim Ahmeti, Semsi Ahmeti, Lumni Ahmeti, Basri Ahmeti, Eljhami Ahmeti, Hamzi Ahmeti and Behram Fazliu, who were all said to be killed on 28 February 1998 in the village of Likosane. Their deaths reportedly followed a Serbian armed operation in the Drenica region of Kosovo in which they searched the houses and ordered the occupants to come out and lie on the ground. The security forces reportedly beat the men and shot them after ordering them to leave;

(h) Fifty-five unidentified persons who were reportedly killed in a police operation in Donji Prekay on 5-6 March 1998. All the bodies were apparently buried by the police without identification or autopsies being performed;

(i) Halilj Jasari, Vazim Jasari and Nazmi Jasari, who were all said to be killed by members of the police force on 6 March 1998. The group was apparently involved in an armed conflict with the police before surrendering to them. It was after their surrender that police allegedly shot and killed them.

Communications received

266. The Government transmitted two communications to the Special Rapporteur during the period under review. The first acknowledged receipt of the Special Rapporteur's urgent appeal on behalf of the 25 ethnic Albanians. It ensured her that the information requested would be provided as soon as the competent Yugoslav authorities were informed. This communication also included detailed information regarding the situation in Kosovo and specifically the actions of ethnic Albanian terrorists and the subsequent engagement of the security forces (9 March 1998).

Requested visit

267. The Special Rapporteur requested an invitation to visit the country in order to better evaluate the situation and reach an independent assessment of the reports and allegations received. Such a visit would allow the Special Rapporteur to formulate pertinent recommendations with the objective of strengthening the protection of the right to life if appropriate (11 March 1998).

268. The Government also provided another reply repeating its commitment to providing all information relevant to the inquiries of the Special Rapporteur. The Government further stated that there was no objective ground nor any need for a visit by the Special Rapporteur because of the request it had already extended to the President of the International Committee of the Red Cross for the establishment of a fact-finding group of experts (17 March 1998).

Observations

269. The Special Rapporteur is deeply concerned about the high number of civilians, including many women, children and elderly persons, who have lost their lives in the conflict in Kosovo over the last year. She has received numerous reports indicating that government forces have used indiscriminate and disproportionate force in their operations, which has led to significant civilian casualties. There are also alarming allegations of possible extrajudicial executions carried out in connection with these actions. The apparent impunity with which these crimes have been perpetrated adds to the urgency of the situation. The Special Rapporteur is also aware of distressing reports of killings of civilians carried out by members of the so-called Kosovo Liberation Army. She urges both sides to find a peaceful solution to the problems in Kosovo, and to bring an end to the suffering and tragedy of the people living in the province. She regrets that she has not been able to visit the Federal Republic of Yugoslavia to observe the situation and investigate allegations *in situ*.

II. OTHERS

Palestinian Authority

Communications sent

270. The Special Rapporteur sent an individual allegation regarding the violation of the right to life on behalf of Hussein Abed Abu Ghali who was reportedly imprisoned and tortured on 6 September 1998 by individuals of the

Presidential Security Force. The reported attempt to transfer him to the hospital for medical attention failed and he was pronounced dead upon arrival. An examination of the body supposedly revealed signs of torture and severe bleeding.

Observations

271. The Special Rapporteur learned with regret that the first two executions approved by the President were carried out on 30 August 1998. The executions took place amid claims that the executed were denied the right to defend themselves and the right of legal counsel. Having received only one reply to all the allegations sent last year, the Special Rapporteur calls on the Palestinian Authority to fully cooperate in investigating and bringing to justice perpetrators of violations of the right to life.